

EQUITABLE DISTRIBUTION WORKSHEET INSTRUCTIONS
APPENDIX C, FORM 10*

The form attached hereto, ED Worksheet, Form 10, is to be used in Equitable Distribution cases involving relatively small or simple marital estates. Use this form in lieu of separate affidavits by each party. A final copy of this form may be attached to and made a part of the final Pretrial Order. This document or one similar to it shall be used to identify items of property at trial and in the final Judgment. Until the final Pre-Trial Order is prepared and ready for filing, the parties may use, if legible, handwritten working copies. Each party must fill the appropriate information in each applicable block and column or risk admitting the contention of the opposing party.

In completing the Worksheet, the following explanations apply:

- Item # - Once assigned, the item number never changes (even though it leaves numbers out of sequence. It remains the number for that item in all documents throughout the trial.
- Description - Provides a brief description sufficient to identify the item.
- M/S/D - Designates a party's contention that an item is M-marital, S-separate, or D-divisible (as defined in NCGS 50-20) property. [Husband should use only the "H" column and Wife should use only the "W" column.]
- Value - Designates the contended value of the item as of the DOS-Date of Separation (unless the item is divisible property, in which case the value is as of the DOH-Date of Hearing). If the property is security for an outstanding debt, the debt should be shown as the immediately following item of property as a negative number. (All other unsecured debts should be listed as separate items at the end of the list using negative numbers.) [Husband should use only the "H" column and Wife should use only the "W" column.]
- Possession - Indicates who (H or W) possessed the item of property at the DOS-Date of Separation and DOH-Date of Hearing. [Husband should use only the "H" column and Wife should use only the "W" column.]
- Distribution - States each party's contention as to which party (H or W) should be awarded the property at trial. [Husband should use only the "H" column and Wife should use only the "W" column.]
- Notes - Allows either party to explain their position to the other party. [The Court must be furnished a copy with these spaces blank as an attachment to the final Pretrial Order}

In completing the Worksheet, the following instructions apply:

* Civil Case Management Rules for the 18th Judicial District. See Rule 31, Equitable Distribution.

The initiating party completes the Worksheet, attaches it to their Inventory Affidavit (Appendix C, Form 9), and serves it on the responding party within sixty (60) days of filing the initiating pleading.¹

The responding party, using the same document, or a copy, states their contentions for the items shown. The responding party adds items not listed by the initiating party along with their contentions about those items. The responding party attaches the document to their Inventory Affidavit (Appendix C, Form 9), and serves it on the initiating party within thirty (30) days of receipt.²

The initiating party, using the same document, or a copy, then states their contentions with regard to any added items. The initiating party adds any remembered but omitted items along with their contentions about those items. The initiating party serves the response within twenty days of receipt. In like manner, responses are to be served back and forth every ten (10) days until all items of property and contentions arising therefrom are listed.³

After the first Affidavits, the Worksheet remains a preliminary negotiation document until it is included in the final Pretrial Order. [NOTE: Parties remain, however, subject to impeachment upon their stated positions in the Original Inventory Affidavit.]

In cases using this form, the Final Pretrial Order shall contain no more than three schedules. Schedule A shall list the items from the Worksheet about which the parties entirely agree (retaining the original item numbers even though they are no longer sequential). Schedule B shall be a typed copy of the Worksheet containing all remaining items about which there is disagreement. (The "Notes" column should be left blank.) Schedule C shall be the factual contentions of the parties, if any, regarding an unequal distribution of their marital and divisible property according to the statutory reasons therefore.⁴

¹ Civil Case Management Rules, Rule 31.3.

² Civil Case Management Rules, Rule 31.7.

³ Civil Case Management Rules, Rule 31.8.

⁴ Civil Case Management Rules, Rule 31.10.

