

DOM: _____
DOS: _____

STATE OF NORTH CAROLINA
COUNTY OF _____

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
FILE NO. _____

_____,
Plaintiff,

EQUITABLE DISTRIBUTION
PRETRIAL ORDER

vs.

_____,
Defendant.

THIS MATTER COMING ON TO BE HEARD upon Pretrial Conference before the undersigned Presiding Judge upon pleadings seeking a determination of marital property and an equitable distribution of such property as shall be determined to be marital;

AND IT APPEARING that the parties have reached agreement on certain facts and on certain issues and have delineated the areas of agreement and disagreement;

AND IT APPEARING that by their signatures affixed hereto, each party stipulates that he or she agrees with the facts and issues classified as agreed upon and stipulates that the facts and issues classified as being in dispute are accurately and reflected and that there are no other issues to be determined by the Court;

AND IT FURTHER APPEARING that each party by signing this Pretrial Order warrants and avows that her or she has disclosed the existence of all property, both separate and marital, to which he or she may have claim at the date of valuation of marital property, regardless of to whom such property may be titled or in whom actual ownership may be designated. Said disclosure has been full and honest and is free from taint of fraud;

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED and stipulated as follows:

1. All parties are properly before the Court and the Court has jurisdiction over the parties and subject matter of this action.

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2. It is stipulated that all parties have been correctly designated and there is no question as to misjoinder or nonjoinder of the parties or of necessary or additional parties.

3. No parties are appearing in a representative capacity.

4. There are no third-party defendants or cross-claimants.

5. It is stipulated and agreed that opposing counsel will be furnished a copy of each exhibit identified or to be identified by the Plaintiff 7 days prior to trial.

6. It is stipulated and agreed that each of the exhibits identified by the Plaintiff is genuine, and if relevant and material may be received in evidence without further identification or proof.

7. It is stipulated and agreed that opposing counsel will be furnished a copy of each exhibit identified or to be identified by the Defendant 7 days prior to trial.

8. It is stipulated and agreed that each of the exhibits identified by the Defendant is genuine, and if relevant and material may be received in evidence without further identification or proof.

9. The list of the names and addresses of all known witnesses the Plaintiff may offer at the trial will be provided to Defendant seven days prior to trial.

10. The list of the names and addresses of all known witnesses the Defendant may offer at the trial will be provided to the Plaintiff seven days prior to trial.

11. There are no pending motions and neither party desires further amendments to the pleadings.

12. Counsel for the parties announce that all witnesses are available and the case is in all respects ready for trial. The probable length of the trial is estimated to be ____ day.

13. Plaintiff and Defendant were married on _____.

14. There were ____ children born to the marriage of the parties, to-wit:

_____ Born: __/__/____ _____ Born: __/__/____

_____ Born: __/__/____ _____ Born: __/__/____

_____ Born: __/__/____ _____ Born: __/__/____

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15. The date of the parties' separation is _____.

16. The parties contend that an equal division would be equitable inequitable.

17. Schedule A is a list of marital property and debts upon which there is agreement as to value and distribution (as between Plaintiff and Defendant).

18. Schedules B-1 and B-2 are lists of marital property and debts upon which there is agreement as to distribution and disagreement as to value.

19. Schedule C is a list of marital property and debts upon which there is agreement as to value and disagreement as to distribution.

20. Schedule D is a list of marital property and debts about which there is disagreement as to distribution and disagreement as to value.

21. Schedule E is a list of property and debts about which there is disagreement as to whether the item is marital property or a marital debt.

22. Schedule F is a list of divisible property.

23. Schedule G is a list of WIFE's contentions as to why equal division is not an equitable division.

24. Schedule H is a list of HUSBAND's contentions as to why equal division is not an equitable division.

25. Plaintiff and defendant have added additional schedules needed to state any other issues to be decided by the Court. They are labeled as follows:

26. Copies of all appraisals and other expert witness reports ordered by the court are admissible into evidence without further foundation or authentication, have been placed in the court file, and are labeled as Exhibits as follows:

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27. The Presiding Judge shall rule on the following:

- a. What is the value of each item on Schedule B-1 and B-2?
- b. To which party should the items on Schedule C be distributed?
- c. What is the value of and which party shall be the owner of the items on Schedule D?
- d. Are the items on Schedule E marital property (or debts)? If so, what is their value and which party shall be the owner of the items?
- e. What is the value of and to which party shall the divisible property be distributed on Schedule E.
- f. What is the value of and to which party shall any divisible property be distributed on Schedule F?
- g. Which contentions of either party supporting an unequal distribution have been proved, and which should be given weight? (If parties have not stipulated to an equal division) what division is equitable.
- h. The Judge shall rule on issues raised in the Supplemental Schedules attached hereto.

28. Current possession of an item is indicated by placing H ("Husband") or W ("Wife") after the description of the item.

29. Counsel for the parties represent to the Court that, in advance of the preparation of this Order, there was a full and frank discussion of settlement possibilities. Counsel for the Plaintiff will immediately notify the Clerk in the event of material change in settlement prospects.

This the ____ day of _____, 20__.

Presiding Judge

DOM: _____
DOS: _____

CONSENTED TO:

Plaintiff

Plaintiff's Attorney

Defendant

Defendant's Attorney

DOM: _____
DOS: _____

SCHEDULE A

ITEMS AS TO WHICH THERE IS AGREEMENT AS TO VALUE & DISTRIBUTION

	DESCRIPTION AND CURRENT POSSESSION OF ITEM	VALUE TO W	VALUE TO H
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
TOTAL			

DOM: _____
DOS: _____

SCHEDULE B - 1

ITEMS THAT THE PARTIES AGREE SHOULD BE DISTRIBUTED TO HUSBAND, BUT
DISAGREE AS TO VALUE

	DESCRIPTION AND CURRENT POSSESSION OF ITEM	\$\$ to H Per W	\$\$ to H Per H	\$\$ to H Per Judge
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
TOTAL				

DOM: _____
DOS: _____

SCHEDULE B - 2

ITEMS THAT THE PARTIES AGREE SHOULD BE DISTRIBUTED TO WIFE, BUT
DISAGREE AS TO VALUE

	DESCRIPTION AND CURRENT POSSESSION OF ITEM	\$\$ to W Per H	\$\$ to W Per W	\$\$ to W Per Judge
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
TOTAL				

DOM: _____
 DOS: _____

SCHEDULE C

ITEMS AS TO WHICH THERE IS AGREEMENT AS TO VALUE BUT DISAGREEMENT
 AS TO DISTRIBUTION

	ITEM & CURRENT POSSESSION	VALUE	GIVE TO, PER W	GIVE TO, PER H	JUDGE'S DECISION	
					\$\$ to W	\$\$ to H
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
TOTAL						

DOM: _____
 DOS: _____

SCHEDULE D

ITEMS AS TO WHICH THERE IS DISAGREEMENT AS TO DISTRIBUTION AND
 DISAGREEMENT AS TO VALUE

	ITEM & CURRENT POSSESSION	VALUE PER W	VALUE PER H	GIVE TO, PER W	GIVE TO, PER H	JUDGE'S DECISION	
						\$\$ to W	\$\$ to H
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
TOTAL							

DOM: _____
DOS: _____

SCHEDULE E

ITEMS AS TO WHICH THERE IS DISAGREEMENT AS TO WHETHER THE ITEM IS
MARITAL PROPERTY OR MARITAL DEBT

	ITEM & CURRENT POSSESSION	W - SAYS:	H - SAYS:	VALUE PER W	VALUE PER H	GOES TO, PER W	GOES TO, PER H
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
TOTAL							

DOM: _____
DOS: _____

JUDGE'S DECISION

	IS MARITAL, \$\$ TO W	IS MARITAL, \$\$ TO H	IS NON-MARITAL, \$\$ TO W	IS NON-MARITAL, \$\$ TO H
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
TOT.				

DOM: _____

DOS: _____

SCHEDULE F

DIVISIBLE PROPERTY

North Carolina General Statute §50-20 (b) (4) defines “divisible property” as follows:

1. All appreciation and diminution in value of marital property and divisible property of the parties occurring after the date of separation and prior to the date of distribution, except that appreciation or diminution in value which is the result of postseparation actions or activities of a spouse shall not be treated as divisible property.

2. All property, property rights, or any portion thereof received after the date of separation but before the date of distribution that was acquired as a result of the efforts of either spouse during the marriage and before the date of separation, including, but not limited to, commissions, bonuses, and contractual rights.

3. Passive income from marital property received after the date of separation, including, but not limited to, interest and dividends.

4. Passive increases and passive decreases in marital debt and financing charges and interest related to marital debt.

1.

2.

3.

4.

5.

6.

7.

8.

DOM: _____
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SCHEDULE G

WIFE'S CONTENTIONS WHY EQUAL DIVISION IS NOT EQUITABLE

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

11. _____

12. _____

13. _____

14. _____

15. _____

DOM: _____
DOS: _____

SCHEDULE G, CONTINUED

JUDGE'S DECISION

W'S CONTENTION NUMBER	IS PROVED OR NOT PROVED	SHOULD OR SHOULD NOT BE GIVEN WEIGHT
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

DOM: _____
DOS: _____

SCHEDULE H

HUSBAND'S CONTENTIONS WHY EQUAL DIVISION IS NOT EQUITABLE

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

11. _____

12. _____

13. _____

14. _____

15. _____

DOM: _____
DOS: _____

SCHEDULE H, CONTINUED

JUDGE'S DECISION

H'S CONTENTION NUMBER	IS PROVED OR NOT PROVED	SHOULD OR SHOULD NOT BE GIVEN WEIGHT
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

DOM: _____
DOS: _____

SCHEDULE I

HUSBAND'S AND WIFE'S SEPARATE PROPERTY

	ITEM & CURRENT POSSESSION	HOW PROPERTY WAS ACQUIRED	VALUE PER W	VALUE PER H	W SP Value	H SP Value
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
TOTAL						

DOM: _____

DOS: _____

JUDGE'S DECISION, SUMMARY

1. An equal division would be: _____ equitable _____ inequitable

2. In light of: Schedule F factors, numbered: _____

and Schedule G factors numbered: _____

It would be equitable to award the following shares of the net marital estate to the parties in the below percentages in light of Schedule F and Schedule G factors listed above: _____ % Wife _____ % Husband

3. The net value of the parties' marital estate is \$ _____

4. The Court orders an in-kind division as follows:

Items	\$\$ TO WIFE	\$\$ TO HUSBAND
FROM SCHEDULE A		
FROM SCHEDULE B1		
FROM SCHEDULE B2		
FROM SCHEDULE C		
FROM SCHEDULE D		
FROM SCHEDULE E		
FROM SCHEDULE F		
FROM SCHEDULE G		
FROM SCHEDULE H		
FROM SCHEDULE I		

5. In order to equalize the division of property, or in order to effectuate and/or supplement the Court's decision, the Court orders a distributive award to:

____ Wife _____ Husband in the amount of \$ _____ payable as follows:

6. The Court orders that _____ Wife's _____ Husband's retirement benefits be divided by Qualified Domestic Relations Order(s), or Domestic Relations Order(s), to be prepared by _____ Wife, _____ Husband and presented to the Court for approval by _____ / _____ / _____. The terms of said order(s) shall be as follows:

