

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

DISTRICT COURT DIVISION

_____ COUNTY

_____-CVD-_____

_____,)
 Plaintiff,)
 v.)
 _____,)
 Defendant.)

**FIRST REQUEST FOR
 PRODUCTION OF
 DOCUMENTS AND
 INTERROGATORIES**

TO: _____
 Attorney for [*Plaintiff/Defendant*]
 [*Address*]

I herewith serve upon you the following Request for Production of Documents and Interrogatories under the provisions of Rule 33 and Rule 34 of the NC Rules of Civil Procedure.

You are required to produce the following described documents that are or may be within your possession, custody or control. These documents are to be produced for inspection and copying by the Plaintiff/Defendant’s attorney at the Office of _____, no later than 5:00 p.m. on the _____ day of _____, 20__.

You are further required to answer the Interrogatories separately and fully in writing, under oath, and to serve a copy of your written answers on the undersigned no later than 5:00 p.m. on the _____ day of _____, 20__.

As used herein, “documents” shall mean all writings of any kind, including, without limitation, correspondence; memoranda; deeds; bank records; canceled checks; bills of sale; offers to purchase; notes; pleadings; work orders; report orders; directions for repair; invoices; service reports; sales documents; manufacturers documents; warranties; warranty information booklets; notations of any sort of communications; all drafts, modifications, changes or amendments of any foregoing; and non-identical copies of the foregoing.

This Request for Production of Documents and Interrogatories shall be continuing in nature until the date of trial. You are required to serve supplemental Answers and produce supplemental documents as additional information and/or documents may become available to you, as required by Rule 26 of the NC Rules of Civil Procedure.

INTERROGATORIES

1. If you or any entity (corporation or partnership) in which you held an interest, held an ownership interest in any real property as of date of separation, please state for each such parcel of real property the address and description of the property, the date you acquired your interest, the method by which you acquired your interest, and the name and address of any person or business other than yourself with an ownership interest in each such parcel of real property.

ANSWER:

2. If any parcel of real property set forth in response to the foregoing interrogatory was acquired by purchase or trade, set forth in exact detail the total consideration paid by you for such property and the source by which you acquired the funds or other consideration to purchase or trade for such property.

ANSWER:

3. For each parcel of real property set forth in response to interrogatory number 1, state your opinion of its fair market value as of the date of separation and as of the date of your response hereto.

ANSWER:

4. For each parcel of real property described by you in response to interrogatory number 1, state the name and address of the mortgage holder of record, the amount of the original mortgage for the property, and the balance of any unpaid mortgage as of the date of separation, and the amount of annual gross profit received from the property.

ANSWER:

5. If your ownership interest in any real property was transferred to any individual or other entity for any reason whatsoever during the period beginning five years prior to the date of separation and ending as of the date of your response hereto, state the details of each such transfer, including but not limited to the date and method by which you acquired your interest, the consideration paid by you or another on your behalf for such acquisition, the reason for the transfer, the terms of the transfer, and the consideration paid to as a result thereof, the identity of the person or entity to whom you transferred your interest, and the disposition of proceeds resulting from the transfer.

ANSWER:

6. For each parcel of real property set forth in response to the foregoing interrogatory, state your opinion of the fair market value at date of transfer and as of the date of separation.

ANSWER:

7. Beginning one year prior to the date of separation, list any savings, checking, commercial, credit union, money market, IRA, or other accounts in your name solely or jointly with any other person or entity or for your benefit during the period up to the date of separation, with any banks or financial institutions of any sort whatsoever, for each such account state the names and addresses of the bank/financial institution, the type of account, the names on the account, the date the account was opened, the account number, the balance of the account as of one year prior to separation, date of separation, the current balance, and the source of funds used to open and/or fund the account.

ANSWER:

8. Itemize all shares of stock, securities, bonds, mortgages and other investments, other than real estate, in which you claim any interest either individually or jointly with others during the period beginning three years prior to the date of separation and ending as of the date of your response hereto, including any such interests as were/are held by another for you or on your behalf. Your response shall include but is not limited to the type and amount of shares, the date and method of each acquisition, the name(s) in which such shares or interests are registered, the fair market value as of date of separation and as of the date of your response hereto, the amount of dividends or other distributions received by you since the date of separation, and the present location and custodian of all certificates or documentary evidence of such shares or interests.

ANSWER:

9. If any of the aforementioned stocks, securities, bonds, mortgages or other investments were sold or otherwise transferred at any time during the period beginning three years prior to the date of separation and ending as of the date of your response hereto, for each such share or interest, identify the investment, the name of the person to whom the interest was sold or transferred, the reason for the transfer, the total consideration received by you as a result of the transfer, and the disposition of the proceeds.

ANSWER:

10. If you claim an interest in any type of retirement, pension, profit sharing, restricted stock, stock options, deferred compensation plan, IRA, 401K or any such similar arrangement, for each such interest state the name or description of the fund or plan, the name and address of the custodian or administrator, the employer contributing to said fund or plan, the date and method by which you acquired such interest, the date you are/were eligible to receive benefits, the amounts of benefits to be received by you, the balance or vested monetary value of your interest in the fund or plan at date of separation and as of the date of your response hereto. If you claim an interest in any stock options, state the means by which you acquired these options, the date you acquired them, whether they are ISOs (incentive stock options) or NQSOs (nonqualified stock options), whether they are vested and matured, vested and unmatured or nonvested.

ANSWER:

11. If you hold any interest in any savings or other such plans which have not previously been fully disclosed herein, provide full details of each such plan or account, including the type of plan and its value at date of separation and as of the date of your response hereto, the names in which the plan or account is held, and the source of funds deposited to such plan or account.

ANSWER:

12. List each whole-life or interest-sensitive insurance policy, annuity, disability policy, or other form of insurance in which you held any interest at any time during the period beginning five years prior to separation and ending as of the date of your response hereto. Your answer shall include but is not limited to the policy number, name and address of the insurance company, name and address of the policy owner, the face amount of the policy and its issue date, the gross cash surrender value as of the date of separation and as of the date of your response hereto, and the location and/or custodian of each such policy as of the date of your response hereto.

ANSWER:

13. If any loans were outstanding as of the date of separation against any policy described above, state the date the loan was obtained, the identity of the person obtaining the loan, the initial amount of the loan, the balance of the loan at date of separation and as of the date of your response hereto, the purpose for which the loan was obtained, and the disposition of the loan proceeds.

ANSWER:

14. If there was a change of beneficiary subsequent to separation on any policy on your life or on any policy owned by you on the life of another, state the name of the current beneficiary, the name of the former beneficiary, and the date of the change of beneficiary.

ANSWER:

15. If you surrendered, transferred or in any way terminated any form of life insurance subsequent to separation, for each such transaction state the complete circumstance of each such transaction. Your response shall include but is not limited to the nature and date of each such transaction, policy numbers, names and addresses of the insurance companies, face amount and issue date of the policies and the surrender or transfer value of each such policy as of the effective date of the transaction.

ANSWER:

16. List all pieces of real property which you contend are separate property and state the basis of your contention. Your response shall include but is not limited to the date you acquired an interest in such property, the circumstances by which you acquired your interest, your estimate of the fair market value as of the date you acquired your interest, your estimate of the fair market value as of the date of separation, and your estimate of the fair market value as of the date of your response hereto.

ANSWER:

17. List all motor vehicles in which you had an interest as of the date of separation and which were titled in your name, individually or jointly with another, and for each such vehicle state: person having possession, the description by make, model and year; the date and amount of the original purchase; the name and address of the title holder as shown on the certificate of title; the name and address of any lien holder; the amount of lien at date of separation and as of the date of your response hereto; your opinion of the fair market value as of date of separation and as of the date of your response hereto; and the source of funds used to acquire your interest. Your response shall include but is not limited to all motorized vehicles including, cars, trucks, motorcycles, trailers, tractors and other types of farm equipment.

ANSWER:

18. If for any reason whatsoever, your ownership interest in any vehicle described in response to the foregoing interrogatory has been sold, transferred, or otherwise disposed of subsequent to date of separation, state the date of such transaction, the description of the vehicle, the name and address of the transferee, the consideration received by you as the result of the transfer, and the disposition of the proceeds.

ANSWER:

19. Itemize all marital debts existing as of the date of separation, providing for each such debt the name and address of the creditor, the purpose for which the debt was incurred, the balance of the debt at date of separation, the balance of the debt as of the date of your response hereto, the security for each such debt, and the identity of the person making payments on the debt subsequent to separation. Use a separate sheet of paper if necessary to complete your response to this interrogatory.

ANSWER:

20. State whether, during the period beginning five years prior to the date of separation and ending as of the date of your response hereto, you have received or are receiving any income or compensation, monetary or otherwise, from any source other than your normal employment. Your response shall include but is not limited the amount of income or compensation so received, the name and address of the entity or individual paying the income or compensation, and the nature of the service rendered by you in exchange for such income or compensation.

ANSWER:

21. Are there any safe deposit boxes, vaults, or other places to deposit for safekeeping in which you held any interest or into which you deposited or had deposited for you any money, documents, stocks, bonds, or other securities or valuable items of personal property at any time during the period beginning three years prior to the date of separation and ending as of the date of your response hereto?

ANSWER:

22. If your response to the foregoing interrogatory is in the affirmative, for each such place of deposit state: the name and address of the depository; the name or means of identifying the safety deposit box, vault, or other place of deposit for safekeeping; the contents therein as of the date of separation and as of the date of your response hereto; the owner of each item so de-positied; the fair market value of each item as of the date of separation and as of the date of your response hereto; the name and address of any person currently in possession of any stated item which may have been withdrawn from deposit since date of separation.

ANSWER:

23. During the period beginning as of five years prior to separation and ending as of the date of your response hereto, did you transfer your ownership interest in any property valued at more than \$200 and for which you did not receive fair market value as a result of the transfer, including gifts, payments to friends and/or relatives, and contributions toward the support of any person other than the Plaintiff?

ANSWER:

24. If your response to the foregoing interrogatory is in the affirmative, for each such item state: the date of transfer; the description of the item; the reason for the transfer; the fair market value of the item at date of transfer; the consideration, if any, received by you as a result of the transfer; the name and address of the transferee; and the transferee's relationship to you.

ANSWER:

25. Did any person or entity hold any property of any sort whatsoever for you or for your benefit under any arrangement other than a trust at any time during the period beginning five years prior to the date of separation and ending as of the date of your response hereto?

ANSWER:

26. If your response to the foregoing interrogatory is in the affirmative, state the name and address of each such person or entity, the description and fair market value of the property so held, and the condition under which such property was or is held for your benefit.

ANSWER:

27. State the fair market value and description of any interest you hold in any estate now in probate, and include the percentage or share of your interest in the total estate, the name and date of death of the decedent, the location where such estate is being probated, the name of the executors and/or administrators, and the approximate date you expect to receive your interest.

ANSWER:

28. If any person or entity owed you a debt in excess of \$200 at any time during the period beginning as of three years prior to the date of separation and ending as of the date of your response hereto, state the name and address of each such person or entity, the amount of the original debt and the amount currently owed, the amount due at date of separation, the date the debt was or is due, and the due date and amount of any scheduled payments.

ANSWER:

29. State whether you hold any ownership interest in any business entity, including but not limited to corporations, partnerships, general partnerships, limited partnerships, or sole proprietorships.

ANSWER:

30. If your response to the foregoing interrogatory is in the affirmative, state: the name, address and telephone number of the business; the extent of your ownership interest; the date and method by which you acquired such interest; and the source of funds you used to acquire your interest.

ANSWER:

31. State your educational history since graduation from high school and include: name and address of each school attended by you, including technical/vocational schools, trade schools, colleges and/or universities; the dates of your enrollment; course of study; and all diplomas and/or certificates awarded to you. Include any special on-the-job training you may have received from any employer.

ANSWER:

32. State your complete work history and include: name, address and phone number of each employer; the name of your immediate supervisor; the date you began employment; your termination date and the reason for your termination; your beginning and ending rates of pay; the number of hours you work(ed) weekly; your job title.

ANSWER:

33. If you were not gainfully employed at any time since separation, state the reasons for your unemployment and identify all efforts you took to secure employment during that period and include: the name, address and telephone number of each employment/personnel agency with whom you were listed; the name, address and telephone number of each prospective employer with whom you interviewed; the positions for which you applied; the skills required for each position for which you applied; the wages quoted you by any prospective employer and/or by any employment/personnel agency; and the skills required for each position for which you have applied.

ANSWER:

34. State whether since separation you have declined any employment that would result in a higher monthly wage and/or better benefits than what you now earn. If so, include: the name, address and telephone number of the employer; the position offered you; the rate of pay offered you; the hours per week you would have worked; the starting wages; and the insurance, retirement plans, deferred compensation and any other benefits you would have received.

ANSWER:

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Produce any and all Deeds, Deeds of Trust, Closing Statements, Orders for Distribution, or other documents which identify each parcel of real property set forth in response to the foregoing interrogatory.

ANSWER:

2. Produce any and all documents which are evidence of the consideration paid and/or traded by you in acquiring each parcel of real property set forth in response to interrogatory number 1. Your response shall include but is not limited to purchase agreements, contracts, correspondence or other documents of title transfer.

ANSWER:

3. Produce a copy of the mortgage contract executed by you at the date of acquisition for each parcel of real property set forth in response to interrogatory number 1, along with a copy of the mortgage loan amortization schedule showing the balance outstanding at date of separation and as of the date of your response hereto.

ANSWER:

4. Produce a copy of any appraisals which were performed at any time and for any reason during the period beginning five years prior to separation and ending as of the date of your response hereto on any of the real properties listed in response to the foregoing interrogatories.

ANSWER:

5. Produce any and all documents which are evidence of your response to the foregoing interrogatory. Your response shall include but is not limited to Deeds, Deeds of Trust, Closing statements, Orders of Distribution, Purchase Agreements, contracts, and correspondence.

ANSWER:

6. For each account described in response to the foregoing interrogatory, produce a copy of each check register and other documents or records showing deposits and withdrawals for the period beginning three years prior to the date of separation and ending as of the date of your response hereto, including but not limited to monthly account statements and front and back copies of all canceled checks for the stated period.

ANSWER:

7. For each interest described in response to the foregoing interrogatory, produce any and all documents identifying the number of shares held, the nature of the interest so held, the name(s) in which the shares are held, the value at date of separation and as of the date of your response hereto, in addition to all documents stating the amount of dividends or other distributions received by you or any other party on your behalf or for your benefit since date of separation. Your response shall include but is not limited to stock certificates, account statements, and correspondence.

ANSWER:

8. For each interest described in response to the foregoing interrogatory, produce the identical documents requested in Request for Production 7 as are relevant to the period stated in the foregoing interrogatory.

ANSWER:

9. For each fund or plan described in response to the foregoing interrogatory, produce any and all documents which describe the fund, plan or stock options, in addition to any documents which are evidence of your interest therein and the balance and/or other value of your interest as of the dates specified in the foregoing interrogatory. Your response shall include but is not limited to Summary Plan Descriptions, account statements, stock certificates and correspondence.

ANSWER:

10. For each plan or account described in response to the foregoing interrogatory produce any and all documents which describe the plan or account and your interest therein, in addition to all documents which are evidence of the value of the plan as of the dates specified in the foregoing interrogatory.

ANSWER:

11. For each form of insurance described in response to the foregoing interrogatory, produce a copy of that portion of the policy which documents your response, in addition to any other documents relative to the cash surrender value at date of separation.

ANSWER:

12. For each loan described in response to the foregoing interrogatory, produce any and all documents relating to said loan. Your response shall include but is not limited to loan applications, loan statements and/or amortization schedules showing the balance outstanding at the specified dates, and correspondence.

ANSWER:

13. Produce any and all documents which support any contention made by you as to the classification, description or extent of any separate real property owned by you.

ANSWER:

14. For each vehicle described in response to the foregoing interrogatory to which you currently hold title, produce a copy of the bill of sale, the finance or loan contract and the title.

ANSWER:

15. For each vehicle listed in response to the foregoing interrogatory, in addition to the exact same documents as are requested in Request for Production 14 which may still be in your possession, custody or control, and produce a copy of all documents which are evidence of the consideration received by you as the result of the transfer of your ownership interest, the disposition of the proceeds and the identity of the transferee.

ANSWER:

16. For each debt listed in response to the foregoing interrogatory, produce any and all documents which attest to the existence of the debt as of the date of separation and as of the date of your response hereto.

ANSWER:

17. Produce a copy of any and all documents which support any claim made by you regarding postseparation reduction of marital debt. Your response shall include but is not limited to canceled checks and receipts.

ANSWER:

18. If your response to the foregoing interrogatory is in the affirmative, produce any and all documents which attest to the reason(s) you received such income or compensation, the amount(s) received, and the date(s) such income or compensation was paid to you.

ANSWER:

19. Produce a copy of all federal and state personal income tax returns filed by you, jointly or individually, for the five years prior to the date of separation and ending the date of your response hereto along with all accompanying schedules, W-2 forms, 1099 forms and K-1 forms. If you have not yet filed your personal income tax returns for the year in which you respond to this Request, immediately produce all W-2 forms, 1099 forms, K-1 forms and other schedules which will be used to complete that tax return and produce the completed tax return as soon as it has been filed.

ANSWER:

20. Produce any and all documents which are evidence of your response to the foregoing interrogatory, including but not limited to Wills and final accountings of said estates.

ANSWER:

21. Produce any and all documents which are evidence of any debts stated in your response to the foregoing interrogatory, including but not limited to contracts, bills of sale, purchase agreements and title transfers.

ANSWER:

22. Produce all reports prepared by any expert you have retained relevant to this cause of action.

ANSWER:

23. Produce the following documents for the period beginning January 1, ____, through the present date on any business in which you hold or have held an ownership interest during the last four years: income tax returns, financial statements, payroll tax returns, forms W-2 and W-3, forms 1099 and 1098, sales tax returns, pension plan tax reports, and the depreciation schedule as of the last tax return date.

ANSWER:

24. Produce all pay stubs, payroll cards, journals, ledgers and/or other documents which are evidence of your total gross wages year-to-date as of the date of your response hereto.

ANSWER:

25. Produce an itemized list of all monthly expenses you contend you incur for the routine and necessary support and maintenance of the minor child, exclusive of any expenses for the benefit of yourself or any other person not the minor child and exclusive of any expenses paid by another on behalf of or for the benefit of the minor child.

ANSWER:

26. Produce an itemized statement of all monthly expenses you contend you incur for your own routine and necessary support and maintenance, exclusive of any expenses for the benefit of another and exclusive of any expenses paid by another for your benefit or on your behalf.

ANSWER:

This the _____ day of _____, 20__.

Name
Attorney for [*Plaintiff/Defendant*]
Address
Telephone