

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

DISTRICT COURT DIVISION

_____ COUNTY

_____-CVD-_____

_____,
Plaintiff,)

v.)

_____,
Defendant.)

_____'S FIRST SET OF
**INTERROGATORIES AND
FIRST REQUEST FOR
PRODUCTION OF
DOCUMENTS TO _____**

I herewith serve upon you the following written interrogatories under the provisions of Rule 33 of the North Carolina Rules of Civil Procedure.

You are required to answer these interrogatories separately and fully in writing under oath and to serve a copy of your answers on the undersigned within thirty (30) days after the service hereof.

These interrogatories shall be continuing in nature until the date of trial and you are required to serve supplemental answers as additional information may become available to you.

Notice is hereby given to _____ to produce for or permit [*attorney's name*], or some other employee of said attorney, acting on behalf of the _____, to inspect or copy the requested documents or tangible things so requested to be produced in this document in accordance with Rule 34 of the North Carolina Rules of Civil Procedure at the office of [*attorney's name*] on or before a date of 30 days after service of this document on you.

In lieu of said production for copying, _____ may submit to _____, as is requested after various interrogatories herein, exact copies of the requested documents clearly designating to which request each such document pertains. The requests for documents intermingled with the interrogatories herein shall be treated as formal requests for the production of these documents under Rule 34 of the North Carolina Rules of Civil Procedure if voluntary submission of said documents is not obtained.

Interrogatories concerning marriage and children relate to the marriage between the parties to this action and the children either born of the marriage or adopted during the marriage.

6. What is your present employment, including your employer's name and address, the type of work you do, your position, length of employment, weekly hours, and rate of pay and other benefits (cash and noncash) received from your employer, or other source of income, particularly any income from any source during the current calendar year up until and including the date on which the answers to these interrogatories are filed. Please attach a copy of each pay stub, check, or voucher for the previous 24 months.

7. Please attach a copy of any federal, state and/or local income tax returns which you have filed personally, and for any related business in which you have, or had, an ownership interest, during the last five years, including but not limited to all schedules, including depreciation schedules, 1099's, W-2's, K-1's, or other attachments filed with each original return. Please include full copies of each corporate, limited liability corporation, or partnership tax returns for the previous five years. Also include any adjustments made to those returns by IRS, any state or other authority, or by amended returns.

8. Have you, or anyone on your behalf, ever recorded, intercepted, videoed, wiretapped, listened to, or overheard any conversation by your spouse of which your spouse was not aware? If so, produce a copy of such tape, recording or video. If a copy is not available, please summarize the conversation to the best of your ability. Please state the name and address of each person with whom you have shared the information.

9. [State time period.] Please itemize all income, benefits, and other emoluments not already included in your answers to any preceding interrogatories, including, but not limited to, any other sources of income such as individual retirement plan, HR 10, pensions, annuities, inheritances, retirement plans, social security benefits, military and/or veterans' benefits, lottery prizes, bank interest and/or dividends, showing the source and amount and frequency of payment of each. Indicate whether each income benefit and/or other emolument is taxable or nontaxable income. Indicate whether the said benefits are "marital property," "separate property," "divisible property," or "divisible debt," stating your reason therefor. You may use the definitions of marital, separate, and divisible property or divisible debt as defined in the North Carolina General Statutes under North Carolina General Statutes Chapter 50.
10. If you have formed a corporation, partnership, LLC, joint venture, or other business entity, from the date of the marriage up until the present time, (for purposes of this question, any corporation, partnership, or joint venture, includes any business interest in which you own a 5 percent interest or more), attach a copy of any and all corporate documents, including but not limited to, Articles of Incorporation, minutes from each board of directors meetings, shareholders meetings, documents indicating issuance of stock, shareholder agreements, memos and correspondence from the officers to the board of directors, memos and correspondence from the board of directors to officers, employment contracts for each president, chief executive officer, chairman of the board of directors for each corporation, each loan document, partnership agreements, partnership tax returns together with all schedules, including depreciation schedules, limited partnership agreements, or other written documents related to valuation of business entities in which you have ownership. Specifically, itemize any loan which has been made by you, or to you, by or from business within the previous five years.

11. For each corporation or LLC in which you have owned an interest in excess of 5 percent, please list the names and addresses of each director, officer, and shareholder for each of the last five years, including the dates of service of each director, the dates of service of each officer, and the compensation paid to each director or officer for each year during the previous five years. If a partnership, please list the names and addresses of all partners, their relationship to you, and the extent of each partner's interest in said partnership. If such corporation is listed on the New York Stock Exchange, or other traded exchange, you may simply supply the information you have received from such corporation within the last 18 months.

12. For each corporation or LLC in which you own more than 5 percent of the stock, please list the names, addresses, and phone numbers of all directors, officers and shareholders, and the percentage of outstanding shares held by each. If any of the foregoing people are related to you, indicate the relationship by blood, marriage, friendship, including the years known and other business in which you are involved.

13. Please state any other ownership interest in any other corporation or LLC, partnership, proprietorship, limited venture, or other type business, which you have had during the previous five years, including the nature of such interest, its market value, date of termination, and the terms, compensation received, and purchaser of any sale of business, the value on the date of separation and presently and whether such interest is marital or separate property. Please provide a copy of each stock brokerage statement for 24 months prior to the date of separation from each and every brokerage firm with whom you have dealt. If you have bought or sold stocks on the internet, please provide a copy of each and every transaction during the previous 24 months, together with a listing of all stocks held during the previous 24 months.

14. Do you own or have an interest in any asset or business interest situated or located outside the USA? If so, please state any other ownership interest in any other corporation or LLC, partnership, proprietorship, limited venture, or other type business, which you have had during the previous five years, including the nature of such interest, its market value, date of termination, and the terms, compensation received, and purchaser of any sale of business, the value on the date of separation and presently and whether such interest is marital or separate property. Please provide a copy of each stock brokerage statement for 24 months prior to the date of separation from each and every brokerage firm with whom you have dealt. If you have bought or sold stocks on the internet, please provide a copy of each and every transaction during the previous 24 months, together with a listing of all stocks held during the previous 24 months.

15. Please list any and all business or personal professionals, together with address and telephone numbers, which you have used during the last five years as accountants, CPA's, investment advisors, tax advisors, tax attorneys, attorneys, stockbrokers, business brokers, corporate advisors, tax preparers, real estate brokers, or real estate appraisers (including the date you first employed each such professional).

16. Please itemize each bank account, savings and loan association account, time deposit, certificate of deposit, savings club, money market account, Christmas club, checking account and other like accounts in your name, your business name, or in which you have an interest presently, or in which you had an interest during the past five years, or for which you receive or received a bank statement, including the depository, the balances in those accounts as of the date of separation and as of the present date, each account number, and whether each is marital or separate property. Please attach a copy of each statement and cancelled checks for the preceding 12 months.

17. Please list each safety deposit box or safe, either in your name or possession individually, or in the name of a partnership, corporation, or to which you have or have had access, including the location and contents of each safety deposit box on the date of separation and presently. Identify each item of the contents as to whether each item is marital or separate property, together with your best estimate of value of each item contained therein on the date of separation and presently.

20. Please list and provide a copy of each change of account, change of beneficiary, cancellation of account, transfer of funds from one bank to another, or similar transfer, for the previous 18 months until the present, specifically including, but not limited to, the following:
- a. The renewal or transfer of any certificates of deposit
 - b. Change of beneficiary on any life insurance policy
 - c. Change of beneficiary on any retirement, IRA, 401(k), or annuity accounts
 - d. The opening of any accounts involving checking, savings, money market, or certificate of deposits
 - e. The closing of any accounts involving checking, savings, money market, or certificate of deposit
21. Please list and itemize any and all household goods, appliances, furniture, jewelry, and furs in which you, or your spouse, had an interest on the date of separation, or presently have an interest, including the amount of your interest therein, the purchase price, date of acquisition, the source of funds, the value as of the date of separation and presently, each lien thereon on the date of separation and presently, and whether each such itemized asset is marital or separate property.

22. Please list an interest you own or have in any collections or hobbies including, but not limited to art objects, golf clubs, guns, rifles, pistols, stamps, coins, cars, statues, dolls, clocks, jewelry, figurines, precious metals, antiques, rugs, carpets, books and/or collectibles, including the purchase price and fair market value as of the date of separation and presently, whether each asset is marital or separate property.

23. If you have been entitled to any interest or stock options, vested or non-vested, within the past two years and have assigned, sold, transferred, or conveyed any interest in that right to receive monies, income, property, or compensation, itemize the date of sale, the person, corporation, or entity to whom such was sold or assigned, together with a copy of any and all contracts, closing documents, or other documentation of each sale or conveyance.

24. Please list any and all legal actions which you, or any business in which you are involved, has, or had, pending within the last five years and presently, whether for money damages or otherwise, and whether against you or on your behalf, and whether or not you are entitled to receive any legal settlements, or possible legal settlements, together with the circumstances which relate to such legal action. Include a copy of all pleadings, or discovery, in each such legal action (other than the legal action against this spouse involved herein). Indicate whether any such recovery, if any, has been, or will be marital or separate property and the amount of each such recovery.

27. Please itemize each share of stock, security, bond, mortgage or other investment, other than real estate, which was in your name, or in which you had an interest, other than those mentioned in the preceding interrogatories, or which you have sold in the last five years, including the type and amount, company and number of shares, names of all the owners, source of funds, date of purchase, amount of dividends received annually, date sold and sale price, and whether each is marital or separate property.

28. Please itemize each share of stock, security, bond, mortgage, real estate, and other investment which is held nominally for your benefit by third persons or other entities, stating for each its market value as of the date of separation and presently, and your contention as to whether each is marital or separate property.

29. Please list any mortgages, accounts receivable, notes or other evidence of indebtedness not indicated in your answer to previous interrogatories, including the amount of interest or principal received or paid and itemized from the date of separation to the present. Indicate whether or not each such payment of interest and principal is marital or separate property.

36. For the previous five years and presently, please itemize and attach all copies of any pension, profit sharing, IRA, 401K, Keogh, or other retirement plan which you own or have an interest in, including your contention as to the value amount of each plan on the date of separation and presently, and your argument if you contend that there is any separate component to your portion of the plan. For each plan listed, please provide a copy of all transactions made during the past five (5) years.

37. Please itemize, list, and provide evidence of each item, or item, of divisible property or divisible debt from the date of separation until the date of your answering these interrogatories. Please supplement your answer until the date of trial.

38. Please itemize each and every credit card and its number which you have had the right of signature on within the last five years. Attach a copy of each credit card charge made within the last five years together with a copy of each statement indicating the outstanding balance on the date of separation and presently. Please itemize the names and addresses of any and all persons entitled to use each card and who incurred each obligation after the date of separation.

39. List as a monthly amount all expenses you have for your household from the categories listed below:

- House Payment or Rent: _____
- Heat: _____
- Water: _____
- Cablevision: _____
- House Maintenance: _____
- Life Insurance: _____
- Household Food & Supplies: _____
- Electricity: _____
- Telephone: _____
- Car Payment: _____
- Car Insurance: _____
- School & Work Lunch: _____
- Medical/Dental: _____
- Drugs: _____
- Clothing: _____
- Grooming: _____
- Laundry/Cleaning: _____
- Entertainment: _____
- Recreation: _____
- Reading Material: _____
- Church Donation: _____
- Gifts, Christmas, etc.: _____
- Club Dues: _____
- Education: _____
- Allowances: _____
- Vacation: _____
- Gasoline: _____
- Car Repair: _____
- Eating Out: _____
- Pet Expense: _____
- Other: _____

For those expenses that are not regular monthly payments, estimate the monthly cost by averaging the amounts spent for the 12 months prior to your separation.

40. Please state the names and addresses of any and all expert witnesses you plan to have testify, the nature or area of each expert's expertise, the subject matter in which the expert is expected to testify, the substance of the facts and opinions as to which the expert is expected to testify and the summary of the ground for each opinion. Attach hereto copies of all written reports or correspondence rendered to you by any such proposed expert witness. (If the report is not written, supply a summary of an oral report rendered to you.) Please supplement your answer each time an expert is engaged or a subsequent report is received.

41. Please set forth in detail all money, real or personal property and/or assets with a value in excess of five hundred dollars (\$500.00) acquired by you either before the marriage or after the date of the separation, including the date acquired, the contribution of each spouse of the acquisition, the market value at the time of acquisition, and your argument if you contend the property is separate property.

42. If you have transferred, sold, assigned, conveyed, discounted, or waived the right to receive, any property, asset, income, or other thing of value within the previous five years prior to answering these interrogatories, please set forth in detail the terms of such disposition together with a copy of all written data related to such disposition, assignment, transfer, or sale.

43. Please attach a copy of each offer to buy, offer to sell, option to buy, option to sell, contract, letter, or memo which you, or any business, partnership, corporation or individual acting on your behalf has made or received during the preceding five years prior to answering these interrogatories regarding either real or personal property.

44. Please list all gifts received by you from your family, your spouse's family, or any other party or entity, with a value in excess of \$1,000, including your argument if you contend the property is separate property.

45. If you, your spouse, or any business entity, partnership, or corporation, in which you have an interest, has prepared a financial statement or credit application within the past five years showing assets and liabilities, either individually or for any business in which you have an interest, please attach a copy of each such statement. If you have submitted a credit application or financial statement to any financial institution within the preceding five years, please list the name and address of each such financial institution.

46. Please list every charitable contribution made by you in excess of \$1,000 within the past five years together with cancelled checks or receipts evidencing such contribution.
47. Please itemize and list all property of every nature and kind, with a value in excess of \$1,000 which you claim is separate property as defined by N.C.G.S. § 50-20. Indicate your reasons that such property is separate property and not subject to equitable distribution. If the property has been listed in a previous interrogatory, list the property here and refer to the answer(s) given to the previous interrogatory. If the property has not been listed in a previous interrogatory, list all relevant information regarding said property which comports with answers to questions asked regarding other like property listed herein.
48. Please itemize and list each item and all property of every nature and kind with a value in excess of \$500 which you claim is marital property as defined by N.C.G.S. § 50-20 which may be subject to equitable distribution. If the property has been listed in a previous interrogatory, list the property here and refer to the answer(s) given to the previous interrogatory, list all relevant information regarding said property which comports with answers to questions asked regarding other like property listed herein.

49. Please identify each item of marital property which you contend should be distributed to you, in kind, as your share of the marital property identified in your answers to the interrogatories herein. As to each such item identified, state the reason that you should receive the property in kind.

50. Please state whether you consider an equal division of marital property and divisible property equitable or appropriate. Please set forth in detail your reasons, and each statutory factor listed in N.C.G.S. § 50-20, which you have considered as a basis of your opinion.

*[ONLY USE 50 QUESTIONS
(PICK & CHOOSE THE LAST ONES TO KEEP ONLY 50)]*

51. Please produce all telephone bills and statements from _____ to the present, including your pager (BUSINESS & PERSONAL).

52. Please produce copies of all hotel or motel receipts, convention or seminar registrations and any other documentation identifying the motels or hotels and dates stayed in the motel from _____ to the present, plus driving and phone charge receipts from the same.
53. Please produce copies of all cards, letters, etc. received from third parties or given to third parties, other than your spouse, from _____ to the present.
54. Please produce all written policies, procedures and guidelines for company _____ as they relate to computers, electronic data and electronic media as they relate to:
 - a. File naming conventions and standards
 - b. Diskette labeling standards
 - c. Back-up tape rotation schedules
 - d. Corporate policies concerning employee use of company computers and data
55. Please produce a copy of any organization chart for _____ company.
56. Please produce backup tapes containing relevant material for [*name individual or work group, and type of data requested (i.e., email, voicemail)*] for the time period of _____.
57. Please produce exact copies (sometimes referred to as “image copies” or “evidentiary copies”) of relevant hard drives on desktop, laptop, notebook, palm top or personal digital assistant computers.
58. Please produce exact copies (sometimes referred to as “disk copies”) of relevant diskettes.
59. Please produce all documents, papers or tangible things — including, but not limited to, printouts and exact copies in useable format of all electronically stored information — that refer or relate to any _____ for the following individuals and entities during the period from _____ through the present:
60. Please produce all documents, papers or tangible things — including, but not limited to, printouts and exact copies in useable format of all electronically stored information — that refer or relate to _____ concerning account number _____ during the period from _____ through the present.

63. Please provide the following information for each computer network in operation in the organization:
- a. Brand and version of the network operating system in use;
 - b. Quantity and configuration of all network servers and workstations;
 - c. Identity of the person(s) responsibility for the ongoing operation, maintenance, expansion and upkeep of the network;
 - d. Brand name and version number of all application and other software reading on the network, including, but not limited to electronic mail applications.
64. Please provide the following information for each mini- and main-frame computer system used in the organization:
- a. Brand and version number of the operating system in use;
 - b. Identity of the person(s) responsible for the ongoing operation, maintenance, expansion and upkeep of the mini- and/or main-frame system;
 - c. Name and description of function of all application and other software residing on the network, including, but not limited to electronic mail applications.

65. Please describe in detail all inter-connectivity between _____ computer system and _____ computer system (etc.). This description should include all possible ways in which electronic data is shared between organizations, the method of transmission, type(s) of data transferred and the names of all individuals possession the capability for such transfer, including lists and names of authorized outside users of the (producing party's) electronic mail system.
66. Please provide the following information concerning the data backups performed on all computer systems used in the organization of _____ [*company name*]:
- a. Descriptions of any and all procedures and/or devices used to back up the software and/or data, including, but not limited to, names(s) of backup software used, tape rotation schedule, type of tape backup drives including name and version number.
 - b. Are multiple generations of backups maintained? If so, please describe how many and whether the backups are full or incremental;
 - c. Is backup storage media kept off-site? If so, where is such media kept? Describe the process for archiving and retrieving on-site media;
 - d. Is backup storage media kept on-site? If so, where is such media kept? Describe the process for archiving and retrieving on-site media;
 - e. Who conducts the backup?
 - f. What information is backed up?
 - g. Please provide a detailed list of all backup sets, regardless of the magnetic media on which they reside, showing current location, custodian, date of backup and a description backup content.

67. Many users store voicemail messages. If so, please provide the following information:
- a. Do users have the option of storing voicemail message?
 - b. If users can store messages, how long do they remain on the system? How many messages may be stored by the user?
 - c. Are voicemail messages automatically purged? If so, describe the destruction schedule.

This the ____ day of _____, 20__.

BY: _____

Attorney for _____

NC State Bar No.: _____

_____, NC _____

Telephone: 919-__ - __

Fax No.: 919-__ - __