

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

_____ COUNTY

____-CVD-____

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

**MOTION FOR INTERIM
DISTRIBUTION AND RETURN
OF SEPARATE PROPERTY**

NOW COMES the Plaintiff/Defendant and alleges and says:

1. During the course of the marriage, the parties acquired marital and divisible assets and debts as those terms are defined under N.C.G.S. § 50-20.
2. The parties have a claim pending between them for an equitable distribution of the marital and divisible assets and debts.
3. Plaintiff/Defendant has insufficient funds to subsist on during the pendency of this action and needs an interim distribution of _____ in cash as a distributive award.
4. During the marriage of the parties and prior to their separation, Plaintiff/Defendant used a _____ automobile. Plaintiff/Defendant needs an interim distribution of that automobile pursuant to N.C.G.S. § 50-20(i1).
5. Plaintiff/Defendant is in need of an interim distribution of the real estate located at _____ pending an equitable distribution.
6. The parties have marital and divisible debt. It is in the interest of justice that the Court make an interim allocation of marital and divisible debt.
7. Plaintiff/Defendant has certain tangible personal property which is the separate property of Plaintiff/Defendant. Plaintiff/Defendant has possession of Plaintiff/Defendant's separate property and will not return it to Plaintiff/Defendant. The separate property of Plaintiff/Defendant which is under the control of Plaintiff/Defendant is listed on exhibit ___ hereto. That property has a value in excess of \$ _____.

8. The Court should render an interim order establishing that the property set forth in exhibit _____ is the separate property of Plaintiff/Defendant, and order Plaintiff/Defendant to return that property to Plaintiff/Defendant.
9. The Court should award Plaintiff/Defendant attorney fees in an amount not greater than \$_____, pursuant to N.C.G.S. § 50-20(I).

WHEREFORE, Plaintiff/Defendant requests the Court:

1. To make an interim distribution of the _____ to Plaintiff/Defendant without prejudice.
2. For an interim distribution to Plaintiff/Defendant of \$_____ in cash as a distributive award.
3. For a determination that the following assets are properly characterized as marital assets:.
4. For a determination that the following debts are properly characterized as marital debts:
5. For an interim distribution of the following debts to Plaintiff/Defendant:
6. For an interim distribution of the following debts to Plaintiff/Defendant:
7. For a determination that the property set forth on exhibit ___ is the separate property of Plaintiff/Defendant.
8. For an order requiring Plaintiff/Defendant to return the separate property of Plaintiff/Defendant to Plaintiff/Defendant on or before the ___ day of _____, 20__.
9. For an award of attorney fees.

THIS the _____ day of _____, 20__.

Name
Attorney for Plaintiff/Defendant
Address
Telephone Number