

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

_____ COUNTY

FILE NO.: _____

| | |
|-----------|---|
| _____ |) |
| Plaintiff |) |
| |) |
| vs. |) |
| |) |
| _____ |) |
| Defendant |) |

PRE-TRIAL EQUITABLE DISTRIBUTION ORDER

THIS MATTER COMING ON TO BE HEARD upon pre-trial 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 reflected and that there are no other issues to be determined by the Court;

AND IT FURTHER APPEARING that each party by signing this Pre-Trial Order warrants and avows that he 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. The Court has jurisdiction over the parties and subject matter of this action.
2. Plaintiff and Defendant were married on _____ - _____.

3. The names and birthdates of all children born of the marriage are as follows:

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

5. The date of the parties' divorce is _____.

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

7. 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). Schedule A(d) is a list of divisible property upon which there is agreement as to value and distribution.

8. 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. Schedules B-1(d) and B-2(d) are lists of divisible property upon which there is agreement as to distribution and disagreement as to value.

9. Schedule C is a list of marital property and debts upon which there is agreement as to value and disagreement as to distribution. Schedule C(d) is a list of divisible property upon which there is agreement as to value and disagreement as to distribution.

10. Schedule D is a list of marital property and debts upon which there is disagreement as to distribution and disagreement as to value. Schedule D(d) is a list of divisible property upon which there is disagreement as to distribution and disagreement as to value.

11. 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. Schedule E(d) is a list of property about which there is disagreement as to whether the item is divisible property.

12. Schedule F is a list of WIFE's contentions why equal division is not an equitable division.

13. Schedule G is a list of HUSBAND's contentions why equal division is not an equitable division.

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

15. 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: *

16. The Presiding Judge shall rule on the following:
- (a) What is the value of each item on Schedules B-1, B-1(d), B-2 and B-2(d)?
 - (b) To which party should the items on Schedules C and C(d) be distributed?
 - (c) What is the value of and which party shall be the owner of the items on Schedules D and D(d)?
 - (d) Are the items on Schedule E marital property (or debts)? Are the items on Schedule E(d) divisible property? If so, what is their value and which party shall be the owner of the items?
 - (e) 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?
 - (f) The Judge shall rule on issues raised in the Supplemental Schedules attached hereto.

17. Current possession of an item is indicated by placing H ("Husband") or W ("Wife") after the description of the item. Categories of Divisible Property are identified as follows:

- "PA" = passive appreciation or depreciation to a marital asset after separation and before date of distribution.
- "K" = payments or property that were earned prior to separation but actually received after separation, such as bonuses, commissions, contract rights or property rights.
- "PI" = passive income from marital property received or accruing after separation, such as interest and dividends.
- "DI" = post-separation increase in marital debts, such as an increase in interest or financing charges

This the ___ day of _____, 199__.

Judge Presiding

CONSENTED TO:

Plaintiff

Defendant

Plaintiff's Attorney

Defendant's Attorney

**SCHEDULE A
 MARITAL PROPERTY AS TO WHICH THERE IS AGREEMENT
 AS TO VALUE & DISTRIBUTION**

| | DESCRIPTION AND CURRENT POSSESSION OF ITEM | VALUE TO W | VALUE TO H |
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| 14 | | | |
| TOTAL | | \$0.00 | \$0.00 |

**SCHEDULE A(d)
 IVISIBLE PROPERTY AS TO WHICH THERE IS AGREEMENT
 AS TO VALUE AND DISTRIBUTION**

| | DESCRIPTION AND CURRENT POSSESSION OF ITEM | CATEGORY OF DIVISIBLE PROPERTY (i.e., PA, K, PI or DI) | VALUE TO W | VALUE TO H |
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**SCHEDULE B-1
 MARITAL PROPERTY THAT THE PARTIES AGREE SHOULD BE DISTRIBUTED
 TO WIFE, BUT DISAGREE AS TO VALUE**

| | DESCRIPTION AND CURRENT POSSESSION OF ITEM | \$\$ TO W PER W | \$\$ TO W PER H | \$\$ TO W PER JUDGE |
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| | | \$0.00 | \$0.00 | \$0.00 |

SCHEDULE B-1(d)

**DIVISIBLE PROPERTY THE PARTIES AGREE SHOULD BE DISTRIBUTED TO WIFE,
BUT DISAGREE AS TO VALUE**

| | DESCRIPTION AND CURRENT POSSESSION OF ITEM | CATEGORY OF DIVISIBLE PROPERTY | \$\$ TO W PER W | \$\$ TO W PER H | \$\$ TO W PER JUDGE |
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| | | | \$0.00 | \$0.00 | \$0.00 |

**SCHEDULE B-2
 MARITAL PROPERTY 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 W | \$\$ TO H PER JUDGE |
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**SCHEDULE B-2(d)
 DIVISIBLE PROPERTY THE PARTIES AGREE SHOULD BE DISTRIBUTED
 TO HUSBAND, BUT DISAGREE AS TO VALUE**

| | DESCRIPTION AND CURRENT POSSESSION OF ITEM | CATEGORY OF DIVISIBLE PROPERTY | \$\$ TO H PER W | \$\$ TO H PER W | \$\$ TO H PER JUDGE |
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**SCHEDULE C
 MARITAL PROPERTY 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 | |
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| | LEAVE THIS ROW BLANK | | | | \$\$ TO W | \$\$ TO H |
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**SCHEDULE C(d)
 DIVISIBLE PROPERTY AS TO WHICH THERE IS AGREEMENT AS TO VALUE
 BUT DISAGREEMENT AS TO DISTRIBUTION**

| | ITEM, CATEGORY, & CURRENT POSSESSION | VALUE | GIVE TO, PER W | GIVE TO, PER H | JUDGE'S DECISION | |
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**SCHEDULE D
 MARITAL PROPERTY AS TO WHICH THERE IS DISAGREEMENT
 AS TO DISTRIBUTION AND DISAGREEMENT AS TO VALUE**

| | ITEM & CURRENT POSSESSI ON | VALUE PER W | VALUE PER H | GIVE TO, PER W | GIVE TO, PER H | JUDGE'S DECISION | |
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**SCHEDULE D(d)
 DIVISIBLE PROPERTY AS TO WHICH THERE IS DISAGREEMENT
 AS TO DISTRIBUTION AND DISAGREEMENT AS TO VALUE**

| | ITEM, CATEGOR Y, & CURRENT POSSESSI ON | VALUE PER W | VALUE PER H | GIVE TO, PER W | GIVE TO, PER H | JUDGE'S DECISION | |
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SCHEDULE E
ITEMS AS TO WHICH THERE IS DISAGREEMENT AS TO WHETHER
THE ITEM IS MARITAL PROPERTY OR A MARITAL DEBT

| | ITEM & CURRENT POSSESSION | W SAYS: | H SAYS: | VALUE PER W | VALUE PER H | GOES TO, PER W | GOES TO, PER H |
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**SCHEDULE E, CONTINUED
 JUDGE'S DECISION**

| | IS MARITAL, \$\$ TO W | IS MARITAL, \$\$ TO H | IS NON-MARITAL, \$\$ TO W | IS NON-MARITAL, \$\$ TO H |
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| | \$0.00 | \$0.00 | \$0.00 | \$0.00 |

**SCHEDULE E(d)
 ITEMS AS TO WHICH THERE IS DISAGREEMENT AS TO WHETHER
 THE ITEM IS DIVISIBLE PROPERTY OR A DIVISIBLE DEBT**

| | ITEM & CURRENT POSSESSIO N | W SAYS: | H SAYS: | VALUE PER W | VALUE PER H | GOES TO, PER W | GOES TO, PER H |
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**SCHEDULE E(d), CONTINUED
 JUDGE'S DECISION**

| | IS DIVISIBLE, \$\$ TO W | IS DIVISIBLE, \$\$ TO H | IS NON- MARITAL, \$\$ TO W | IS NON- MARITAL, \$\$ TO H |
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SCHEDULE F
WIFE'S CONTENTIONS WHY EQUAL DIVISION IS NOT EQUITABLE
(NUMBER CONSECUTIVELY)

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**SCHEDULE G
HUSBAND'S CONTENTIONS WHY EQUAL DIVISION IS NOT EQUITABLE
(NUMBER CONSECUTIVELY)**

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JUDGE'S DECISION, SUMMARY

1. An equal division would be equitable inequitable.
2. It would be equitable to award ___% of the net marital and divisible estate to Wife, and ____% of the net marital and divisible estate to Husband, in light of Schedule F factors # _____, and Schedule G factors # _____.
3. The net value of the parties' marital and divisible estate is \$_____.
4. The court orders an in-kind division as follows:

| ITEMS | \$\$ TO WIFE | \$\$ TO HUSBAND |
|--------------------|---------------------|------------------------|
| FROM SCHEDULE A | | |
| FROM SCHEDULE A(d) | | |
| FROM SCHEDULE B | | |
| FROM SCHEDULE B(d) | | |
| FROM SCHEDULE C | | |
| FROM SCHEDULE C(d) | | |
| FROM SCHEDULE D | | |
| FROM SCHEDULE D(d) | | |
| FROM SCHEDULE E | | |
| FROM SCHEDULE E(d) | | |
| | | |
| | | |
| | \$0.00 | \$0.00 |

5. (COMPLETE ONLY IF ORDERING A QDRO OR DRO)

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:

6. (COMPLETE ONLY IF ORDERING A DISTRIBUTIVE AWARD)

The court finds that the presumption that an in-kind division of marital and/or divisible property is equitable has been rebutted by the greater weight of the evidence, or by evidence that the property is a closely held business entity or is otherwise not susceptible of division in-kind. Therefore in order to achieve equity between the parties, and to facilitate, effectuate or supplement the distribution of marital and/or divisible property, the court orders a distributive award to Wife Husband in the amount of \$ _____, payable as follows:
