

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

DISTRICT COURT DIVISION

\_\_\_\_\_ COUNTY

\_\_\_\_-CVD-\_\_\_\_\_

\_\_\_\_\_,  
Plaintiff, )

v. )

\_\_\_\_\_,  
Defendant. )

**ANSWERS AND AFFIRMATIVE  
DEFENSES [SAMPLES]**

1. Paragraph \_\_ is denied.
2. Defendant admits he and Plaintiff married on \_\_\_\_\_; the remaining allegations of Paragraph \_\_ are denied.
3. Paragraph \_\_\_ is not an allegation to which a response is required and is thereby deemed denied pursuant to Rule 8(d) of the North Carolina Rules of Civil Procedure.
4. Paragraph \_\_\_ is denied and Defendant further denies that proof of this allegation would entitle Plaintiff to a greater than equal share of the parties' marital and divisible property.
5. To require Defendant to answer the allegations of Paragraph \_\_\_ would tend to incriminate him in violation of his rights under the state and federal constitutions so that those allegations are therefore deemed denied.

**AFFIRMATIVE DEFENSES**

Pursuant to Rule 8(c) of the North Carolina Rules of Civil Procedure, Defendant states the following as affirmative defenses to Plaintiff's claims:

1. Plaintiff committed acts of marital misconduct as defined by G.S. § 50-16.1A(3) during the marriage of the parties and prior to their separation in that [*state specific grounds*] so that alimony for Plaintiff should be disallowed or reduced in amount and duration.

2. Plaintiff and Defendant executed a valid separation and property settlement agreement on \_\_\_\_\_, which remains in effect so that Plaintiff is barred from pursuing any claim for postseparation support, alimony or equitable distribution as provided by the terms of that Agreement.
3. Plaintiff has condoned and forgiven the alleged actions of Defendant by her long continued marital relationship with Defendant with knowledge of the actions alleged in the Complaint.
4. When Defendant left the marital residence, his physical and mental health had seriously deteriorated so that he was suffering from depression, stress and anxiety that were caused by tension in the home, making it impossible for him to continue the marital relationship and maintain his health and well-being. He was, therefore, justified in leaving in that Plaintiff, by her actions set forth herein, constructively abandoned Defendant.

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Plaintiff

\_\_\_\_\_, North Carolina \_\_\_\_\_

Telephone: (\_\_\_\_) \_\_\_\_ - \_\_\_\_

Email: \_\_\_\_\_