

NORTH CAROLINA

COUNTY OF WAKE

I certify that _____ personally appeared before me this day, and I have seen satisfactory evidence of his identity, by a current state or federal identification with MR. _____ photograph in the form of a _____; acknowledging to me that he voluntarily signed the foregoing Consent Order for Child Custody for the purpose stated therein and the capacity indicated.

Date: _____

, Notary Public

My Commission Expires: _____

NORTH CAROLINA

COUNTY OF WAKE

I certify that _____ personally appeared before me this day, and I have seen satisfactory evidence of his identity, by a current state or federal identification with MS. _____ photograph in the form of a _____; acknowledging to me that he voluntarily signed the foregoing Consent Order for Child Custody for the purpose stated therein and the capacity indicated.

Date: _____

, Notary Public

My Commission Expires: _____

AND / OR

5. That the minor child _____ has not resided with the plaintiff since _____. Since on or about _____ the minor child has resided independently in his own residence. He has stopped attending school and is employed full-time. In essence, he is operating as an emancipated minor which is a substantial change of circumstance warranting the termination of child support.

AND / OR

6. That the minor child _____ turned 18 years of age on _____ and graduated from high school on _____

AND / OR

7. That pursuant to the provisions of N.C. Gen. Stat. §50-13.4(c) and 13.7(a), a change of circumstances has occurred warranting a modification of the child support defendant is obligated to pay for the support of the minor children.

WHEREFORE, the defendant prays the Court, as follows:

1. That the Court enter an Order modifying the child support paid by the defendant to the plaintiff pursuant to the provisions of N.C. Gen. Stat. §50-13.4(c) and 13.7(a);
2. That the Order entered by the Court be effective as of the date of the filing of this Motion;
3. That the defendant's motion be taken as a duly verified affidavit in support of the relief sought herein; and
4. That the Court order such other and further relief as may seem just and proper.

This the ____ day of _____.

Attorney for Defendant

COUNTY

_____, being first duly sworn, deposes and says:

He is the defendant in the above-entitled action; that he has read the foregoing Motion for Modification of Child Support and knows the contents thereof; that the same is true of his own knowledge, except as to those matters and things therein stated upon information and belief, and that as to those matters and things, he believes it to be true.

Defendant

Sworn to and subscribed before me
this _____ day of _____.

Notary Public

My commission expires: _____

NORTH CAROLINA
_____ COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
CvD _____

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

NOTICE

TO: Plaintiff
c/o Attorney for Plaintiff

PLEASE TAKE NOTICE that pursuant to N.C. Gen. Stat. §50-13.4(c), the defendant will move the Court for an order for child support deviating from the North Carolina Child Support Guidelines as an application of the Guidelines would be unjust or inappropriate.

This ____ day of May,

Attorney for Defendant

OF COUNSEL:
ABC Law Firm
222 Main Street
Sometown, North Carolina 27401
Telephone: (000) 222-8888

NORTH CAROLINA
COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
CVD _____

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

CONSENT ORDER
FOR MODIFICATION
OF CHILD SUPPORT

THIS CAUSE coming on to be heard and being heard before the undersigned Judge presiding over the _____ Civil Session of District Court, _____ County, North Carolina on defendant's motion for a modification of child support;

AND IT APPEARING TO THE COURT that Plaintiff was represented in the above-entitled action by her attorney, _____ of _____ County, North Carolina, and that defendant was represented in the above-entitled action by his attorney, _____ of _____ County, North Carolina.

AND IT FURTHER APPEARING TO THE COURT, from the signatures of both parties hereto and subscribed hereinafter, that plaintiff and defendant have reached an agreement, the specifics of which are set out hereinafter, concerning the modification of child support based on the older child of the parties turning eighteen (18) years of age and graduating from high school, and that they have thereby compromised, settled, and resolved all such matters relating to the support of the remaining minor child currently pending before the Court in the above-entitled action, and that, with the consent of the parties hereto, the Court makes and enters the following:

FINDINGS OF FACT

1. This is an action for, *inter alia*, the support of the parties' minor children.
2. There were two children born of the marriage of the parties, namely: _____, born _____, and _____, born _____.
3. That the most recent Order pertaining to the support of the minor children was entered on _____.

4. That the child _____ turned 18 years of age on _____, and graduated from high school on _____.

5. That pursuant to the provisions of N.C. Gen. Stat. §50-13.4(c) and 13.7(a), a change of circumstances has occurred warranting a modification of the amount of child support defendant is obligated to pay for the support of the remaining minor child _____ pursuant to the North Carolina Child Support Guidelines.

6. The minor child presently has reasonable needs of \$_____ per month plus the costs of the child's health insurance, and the costs of the child's uninsured medical and dental expenses as calculated on Worksheet A of the _____ North Carolina Child Support Guidelines which is attached hereto and incorporated by reference.

7. Both plaintiff and defendant are primarily liable for the needs of the minor child. The parties shall continue to share equally the minor child's uninsured medical, hospital, dental, orthodontia, asthma treatments, physical therapy, treatment of chronic health problems, counseling or psychiatric therapy for diagnosed mental disorders, prescription drug, and eyeglass and contact lens expenses, including the deductible. The parties have the present means to pay such sums or the present ability to take reasonable measures that would enable them to pay said sums.

8. Both plaintiff and defendant have sufficient means to defray their respective costs, expenses and counsel fees incurred as a result of this motion, through and including the date of the entry of this Consent Order.

9. The parties waive any further Findings of Fact.

Based upon the above Findings of Fact, and with the consent of the parties hereto, the court makes and enters the following:

CONCLUSIONS OF LAW

1. Plaintiff and defendant are properly before the court and the court has jurisdiction over the parties hereto and of the subject matter herein.

2. There exists facts justifying this court to modify the amount of child support paid by the defendant to the plaintiff based upon a substantial change of circumstances pursuant to the provisions of N.C. Gen. Stat. §50-13.7

3. The provisions for the support of the said remaining minor child as set out hereinafter are necessary at the present time in order to meet the minor child's reasonable needs for health, education, and maintenance.

4. Both plaintiff and defendant have sufficient means to defray their respective individual costs, expenses and counsel fees incurred as a result of this motion, through and including the date of the entry of this Consent Order.

Based upon the above Findings of Fact and Conclusions of Law and with the consent of the parties hereto, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. That, beginning _____ pending further orders of this court, defendant shall pay as child support for the use and benefit of the minor child, _____, the sum of _____ HUNDRED and $\frac{1}{100}$ DOLLARS (\$ _____) per month. Said payments shall be made directly to the plaintiff payable on the 1st day of each month beginning _____ and continuing on the 1st day of each month thereafter. Defendant shall receive a credit of \$ _____, which is the sum in excess of \$ _____ defendant paid since _____, toward his _____ payments.

2. That child support shall terminate upon the child's eighteenth birthday, except if the child is otherwise emancipated, payment shall terminate at that time or if the child is still in primary or secondary school when the child reaches age 18, support payments shall continue until the child graduates from high school, otherwise ceases to attend high school on a regular basis, fails to make satisfactory academic progress towards graduation, or reaches age 20, whichever comes first.

3. At the present time, defendant shall maintain medical and dental insurance coverage for the minor child. The parties shall continue to share equally the minor child's uninsured medical, hospital, dental, orthodontia, asthma treatments, physical therapy, treatment of chronic health problems, counseling or psychiatric therapy for diagnosed mental disorders, prescription drug, and eyeglass and contact lens expenses, including the deductible.

4. Both plaintiff and defendant have sufficient means to defray their respective individual costs, expenses and counsel fees incurred as a result of this motion, through and including the date of the entry of this Consent Order.

5. That pending further orders of the court, the court retains jurisdiction over the parties hereto and of the subject matter herein.

This _____ day of _____

Honorable
Judge Presiding

CONSENTED TO:

_____, Plaintiff

_____, Defendant

Attorney for Plaintiff

Attorney for Defendant

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

_____ COUNTY

CVD _____

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

ORDER

THIS CAUSE coming on to be heard and being heard before the Honorable _____, the undersigned Judge presiding over the _____ County Civil District Court, on _____, on both parties' claims for child support;

AND IT APPEARING TO THE COURT that plaintiff was represented in the above-entitled action by his attorney, _____, of _____, _____ County, North Carolina, and that defendant was represented in the above-entitled action by her attorney, _____, of _____, _____ County, North Carolina.

AND IT FURTHER APPEARING TO THE COURT, after hearing the testimony of the parties and several other witnesses, reviewing the other evidence presented in the way of documentary evidence, and considering other evidence presented and the arguments of counsel, the Court makes and enters the following:

FINDINGS OF FACT

1. Plaintiff is a citizen and resident of the State of North Carolina, and has been a citizen and resident of the State of North Carolina for more than six months immediately preceding the commencement of this action.
2. Defendant is a citizen and resident of the State of North Carolina, and has been a citizen and resident of the State of North Carolina for more than six months immediately preceding the commencement of this action.
3. Plaintiff and defendant are wife and husband, having lawfully married to one another on _____ and thereafter separated on _____.

4. There were two children born of the union and marriage between plaintiff and defendant, namely: _____, who was born on _____; _____; and _____, who was born on _____.

5. The parties share joint legal custody with the plaintiff having the primary physical custody of the minor children and the defendant having secondary physical custody of the minor children with reasonable and liberal visitation as set forth in the Consent Order entered by this Court on _____.

6. Both plaintiff and defendant are liable for the financial needs of the minor children. Both plaintiff and defendant are able-bodied persons and are fully capable of providing support for the use, benefit and support of their minor children.

7. The Court finds based on the evidence presented that plaintiff earns an approximate average gross monthly income of \$_____.

8. The Court finds based on the evidence presented that the defendant's current average gross monthly income is _____.

9. The Court finds that the plaintiff provides the medical and dental insurance coverage for the minor children at a cost of \$_____ per month for both children.

10. The Court finds that work related child care costs for the minor children are _____ per child per month. In light of the physical custody of the minor children and in order to maximize the daycare credit entitlement, the Court finds that plaintiff should pay the daycare costs for the children and receive the daycare credit entitlement. Those costs shall be appropriately reflected on the child support worksheet.

11. The Court finds that the plaintiff should have the dependency exemptions for the minor children.

12. It is appropriate for the parties to provide for the support of their minor children as set forth hereinafter as calculated on Worksheet A of the North Carolina Child Support Guidelines which is attached hereto and incorporated by reference.

13. The defendant has been employed sporadically since the date of the parties' separation. Her actual average gross monthly income for _____, up to the date of the filing of the Complaint on _____ was \$_____. The Court finds that she did not pursue adequate employment and was deliberately suppressing her income in order to avoid her family obligations to provide support for the minor children and has attributed average monthly income to her in amount of \$_____, the same amount as plaintiff's average monthly income during this time which is consistent with defendant's skills and work history.

14. The Court has considered plaintiff's Exhibit showing the expenses incurred by plaintiff since . Said exhibit includes the following categories of expenses claimed by plaintiff: mortgage, city/county taxes, homeowner's insurance, electricity, gas, water, telephone, cable/satellite, house/yard, household supplies, auto payments, auto insurance, auto gas, food at home, food away from home, food at school, clothing, haircuts, uninsured medical/dental, child care, education expenses (supplies), pool dues, dance lessons, recreation, annual vacation, Christmas, Birthdays, field trips, trash pick-up, prescriptions, children's pictures, children's books, preschool expenses, kindergarten, dancewear, and personal property tax.

15. The Court finds the expenses reflected to be the actual expenses incurred by plaintiff, but does not find it reasonable to attribute 2/3 of the fixed expenses (mortgage, city/county taxes, homeowner's insurance, electricity, gas, water, telephone, cable/satellite, house/yard, auto payments, auto insurance, trash pick-up, and personal property taxes) to the children as requested by plaintiff. The Court does find all the expenses directly related to the minor children to be actual, reasonable and necessary and has included the full amount of those expenses and a reasonable amount of the fixed expenses in its determination that the reasonable and actual monthly expenditures on behalf of the minor children were \$ _____ per month from _____ through _____ (____ months) for a total amount of \$ _____. Specifically, the Court finds that _____ is a reasonable amount of the mortgage payment attributable to the care of the minor children.

16. Each party is responsible for one-half of the total monthly sum \$ _____ or \$ _____ each, for a total of \$ _____ or \$ _____, each for the actual, reasonable and necessary expenses of the minor children from _____ through _____.

17. The Court finds that while this sum may equal $\frac{3}{4}$ or more of defendant's total monthly income during some months, the defendant had the means and ability to pursue and obtain employment which would have yielded a monthly income more than or equivalent to the plaintiff's income but voluntarily chose not to do so. The Court has attributed that income to her and further finds that in light of the fact that she resided with her mother during this time period, her living expenses were minimal. Furthermore, the court finds that the defendant spent at least \$ _____ during this time for gambling expenses and that at all times since the separation carried bank account balances at the conclusion of each monthly statement in excess of \$ _____. At one time, defendant's bank statements show that she had a balance in excess of \$ _____ during this time period. Accordingly, the Court finds that the defendant had the means and ability to pay the sum of \$ _____ per month toward the support of her minor children.

18. The Court finds that defendant is entitled to credit for the actual sums she did pay toward the support of her minor children during this time of \$ _____ which has been stipulated and agreed by the parties.

19. Applying these credits, the remaining total amount of retroactive child support due to plaintiff is \$ _____.

20. Counsel for plaintiff presented an affidavit and petition for attorney's fees to the Court at the trial. Counsel for plaintiff has spent _____ hours performing legal services for the plaintiff up through _____, including correspondence with plaintiff and counsel for defendant,

telephone conferences with plaintiff and counsel for defendant, preparation of the pleadings filed in this action, conferences with the plaintiff, participation in settlement negotiations with plaintiff and counsel for defendant, preparation for this hearing, and representation of plaintiff at this hearing. Counsel for plaintiff charges \$___ per hour for her services in domestic cases, and has practiced family law in _____ County since _____. Counsel for plaintiff has been certified as a specialist in family law since _____ by the North Carolina State Bar, and her fees are in the range charged by family law specialists in _____ County.

21. The plaintiff is an interested party, who brought this action in good faith, and is entitled to a partial award of attorney's fees pursuant to N.C. Gen. Stat. § 50-13.6 and had insufficient means to defray the expenses of the action. The defendant failed to provide child support adequate under the circumstances existing at the time of the institution of the action.

Based upon the above Findings of Fact, and with the consent of the parties hereto, the court makes and enters the following:

CONCLUSIONS OF LAW

1. Plaintiff and defendant are properly before the court, that the court has jurisdiction over the parties hereto and of the subject matter herein.
2. There exists facts justifying this court to exercise jurisdiction regarding the support of the parties' said minor children.
3. As the natural parents of the said minor children, both plaintiff and defendant owe a duty of support to the said minor children pursuant to the provisions of N.C. Gen. Stat. 50-13.4.
4. The provisions for the prospective support of the said minor children as set out hereinafter are necessary at the present time in order to meet the minor children's reasonable needs for health, education, and maintenance.
5. The provisions for the retroactive amount of child support as set out hereinafter are necessary in order to meet the minor children's actual and reasonable needs for health, education, and maintenance which were incurred by the plaintiff on behalf of the minor children from _____, until _____.
6. The defendant is entitled to credit for the amount of child support already paid on behalf of the minor children.
7. Defendant had the means and ability to pay the retroactive support as set forth herein.
8. The plaintiff is an interested party, who brought this action in good

Based upon the above Findings of Fact and Conclusions of Law, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. That from the time of the filing of the Complaint on _____, through _____, defendant owes prospective child support in the total sum of \$_____ and that as of _____, the defendant had paid the total sum of \$_____. The defendant owes the plaintiff the sum of \$_____ for prospective child support due and owing through _____ which sum shall be paid immediately.

2. That, beginning _____, pending further orders of this court, defendant shall pay as child support for the use and benefit of the minor children the sum of _____ and _____/100 DOLLARS (\$_____) per month. Said payments shall be made each week in the amount of \$_____ and paid directly to the plaintiff each Friday beginning _____, and continuing on each Friday thereafter.

3. That child support shall terminate upon the younger child's eighteenth birthday, except if the younger child is otherwise emancipated, payment shall terminate at that time or if the younger child is still in primary or secondary school when the child reaches age 18, support payments shall continue until the younger child graduates from high school, otherwise ceases to attend high school on a regular basis, fails to make satisfactory academic progress towards graduation, or reaches age 20, whichever comes first; child support shall be recalculated pursuant to the North Carolina Child Support Guidelines currently in effect at the time the defendant's obligation to pay child support for the older child terminates and shall become effective in the month following the event terminating defendant's obligation to provide support for the older child.

4. At the present time, plaintiff shall maintain medical insurance coverage for the minor children. Defendant shall reimburse to plaintiff forty-seven percent (47%) of the minor children's uninsured medical, hospital, dental, orthodontia, asthma treatments, physical therapy, treatment of chronic health care problems, counseling or psychiatric therapy for diagnosed mental disorders, prescription drug, and eyeglass and contact lens expenses after payment by plaintiff of the first One Hundred Dollars (\$100.00) per year including the deductible. Said reimbursement shall be made by defendant to plaintiff within fourteen (14) days of plaintiff providing defendant with documentation of said paid expense.

5. Plaintiff shall pay the daycare expenses for the minor children as reflected on the attached worksheet.

6. Plaintiff shall be entitled to the dependency exemption for the minor children on his tax returns along with any entitlements for other credits for so long as each child may be claimed as an exemption.

7. The defendant owes plaintiff the sum of \$_____ in retroactive child support covering the period from _____ through _____. Defendant is entitled to credits in the amount of \$_____ for child support actually paid to plaintiff during this time period. Defendant owes the remaining sum of \$_____ to plaintiff for retroactive child support which amount shall be paid as follows: _____,

8. The defendant shall pay a partial attorney's fees award to counsel for plaintiff in the sum of \$_____ payable as follows: _____.

9. That pending further orders of the court, the court retains jurisdiction over the parties hereto and of the subject matter herein.

This the _____ day of _____.

Honorable _____
District Court Judge Presiding

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

_____ COUNTY

CvD _____

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

MOTION FOR SHOW CAUSE,
ATTORNEY FEES, AND
GARNISHMENT OF PAY

COMES NOW the plaintiff, by and through counsel, and moves the Court pursuant to pursuant to N.C. Gen. Stat. Chapter 5A, N.C. Gen. Stat. §§50-13.4 and 50-13.6, and N.C. Gen. Stat. §110-136, for a show cause order, for attorney's fees, and for an order of garnishment of defendant's pay. In support of said motion, the plaintiff respectfully shows unto the Court the following:

FIRST CLAIM FOR RELIEF

1. The plaintiff is a citizen and resident of _____ County, North Carolina. The defendant is a citizen and resident of _____ County, _____.
2. Plaintiff and Defendant were formerly wife and husband, who were lawfully married to one another on _____, subsequently separated in _____ and divorced on _____.
3. There were two children born of the union and marriage between Plaintiff and Defendant, namely: _____, who was born on _____, _____; and _____, who was born on _____.
4. A consent order was rendered by the Honorable _____, District Court Judge, on _____, in which the defendant was required, *inter alia*, to make monthly payments to the plaintiff in the sum of _____ DOLLARS (\$____.00) in two equal payments of _____ DOLLARS as child support beginning _____, _____, and continuing on the 1st and 15th day of every month thereafter. In addition, defendant was required to pay the additional sum of _____ and no/100 DOLLARS (\$____.00) per month paid in two equal payments of _____ and no/100 DOLLARS (\$____.00) payable on the 1st and 15th day of each month beginning _____, _____ and continuing on the 1st and 15th day of every month thereafter until the total additional sum of \$____.00 is paid in full to satisfy the child support payments due since _____.

5. The defendant has failed and refused to comply with the terms of the _____, order by only paying the sum of \$____.00 in child support to the plaintiff since _____ up to the date of the filing of this motion. His child support arrears now total \$_____.

6. The failure of the defendant to comply with the prior order of this Court has been willful and without justification or excuse in that the defendant has had the ability to comply or could have taken reasonable measures to enable compliance with the _____, order.

7. The plaintiff has had to employ counsel to secure compliance with the _____, order, and the plaintiff is without sufficient means to defray the costs of these proceedings brought about by the defendant's willful failure to comply with the prior order of this Court.

SECOND CLAIM FOR RELIEF

8. Paragraphs 1 through 7 of plaintiff's first claim for relief are realleged and incorporated as if fully set forth herein.

9. That upon information and belief, defendant receives retirement pay from the North Carolina Department of State Treasurer, Retirement Systems Division in the gross sum of \$_____ per month and in the net sum of \$_____.

10. That pursuant to N.C. Gen. Stat. §110-136, this Court can enter an order of garnishment of up to 40% of defendant's net disposable pay for the purposes of satisfying his child support obligation. Forty percent of defendant's net disposable pay from the North Carolina Department of State Treasurer, Retirement Systems Division is \$_____ per month.

11. That this Court should enter an Order of garnishment on defendant's net disposable pay to satisfy his ongoing child support obligation as well as the arrears owed as of the date of this filing.

WHEREFORE, the plaintiff prays the Court as follows:

1. That the defendant be found in willful civil and/or criminal contempt of this Court for his failure to comply with the terms of the _____, order and that an order issue to be served on the defendant requiring him to show cause, if any there be, why he should not be held in willful civil and/or criminal contempt of this Court;

2. That the Court enter an order requiring the defendant to pay the costs of this action, including a reasonable attorney's fee, for the preparation, filing and hearing of this motion;

3. That the Court enter an Order directing that the defendant's net disposable pay from the North Carolina Department of State Treasurer, Retirement Systems Division be garnished in a sum up to 40% of defendant's net disposable pay to satisfy his ongoing child support obligation as well as to satisfy any arrears owed as of the date of this filing; and

4. That the Court order such other and further relief as may seem just and proper.

This the ____ day of _____,

Attorney for Plaintiff

OF COUNSEL:

OF COUNSEL:

XYZ Law Firm

111 Main Street

Sometown, North Carolina 27401

Telephone: (000) 555-2222

STATE OF NORTH CAROLINA

_____ COUNTY

_____, being first duly sworn, deposes and says:

She is the plaintiff in the foregoing action; that she has read the foregoing motion for show cause order and for attorney's fees and for garnishment of pay; and knows the contents thereof; that the same is true of her own knowledge, save and except as to those matters stated on information and belief, and as to those matters, she believes them to be true.

Plaintiff's Signature

Sworn to and subscribed before me
this the _____ day of _____,

Notary Public

My Commission Expires: _____

CERTIFICATE OF SERVICE

I hereby certify that the foregoing motion for show cause order and attorney's fees and for garnishment of pay has been served on the defendant by forwarding a copy of the same by first class mail, postage prepaid, addressed to:

Attorney for Defendant

This the _____ day of _____, ..

Attorney for Plaintiff

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

_____ COUNTY

CvD _____

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

SHOW CAUSE ORDER

THIS CAUSE coming on to be heard before the undersigned Judge of the District Court of _____ County, North Carolina; and it appearing to the Court that the plaintiff has filed a verified motion in the above-entitled action alleging that the defendant has willfully failed to comply with the terms of the _____, _____ order requiring the defendant to pay child support to the plaintiff in the sum of \$____.00 as child support in two equal installments of _____ beginning _____, _____, and continuing on the 1st and 15th day of every month thereafter. In addition, defendant was required to pay the additional sum of _____ per month paid in two equal payments of _____ payable on the 1st and 15th day of each month beginning _____, _____ and continuing on the 1st and 15th day of every month thereafter until the total additional sum of \$____.00 is paid in full to satisfy the child support payments due since _____, _____; and

IT FURTHER APPEARING TO THE COURT from the plaintiff's verified motion that the defendant has violated the terms of the _____, _____ order in that he has only paid the sum of \$____.00 in child support to the plaintiff from _____, _____ through the date of the filing of her motion and that his child support arrears now total \$____; and

IT FURTHER APPEARING TO THE COURT from the plaintiff's verified motion that there is probable cause to believe that the defendant is in civil and/or criminal contempt of the _____, _____ order previously entered in this cause and that this matter should be heard to resolve the allegations set forth in the plaintiff's verified motion; and that the plaintiff has prayed that the Court enter an order requiring the defendant to pay the reasonable attorney's fees incurred in the preparation and hearing of that motion; and that the plaintiff has prayed for an order of garnishment from defendant's net disposable pay for the satisfaction of his ongoing support obligation and any arrears established as of the date of the filing of her motion;

NOW, THEREFORE, IT IS ORDERED that _____, defendant in the above-entitled action, shall appear before this Court on the ___th day of ____, '__, at 9:00 a.m. in Courtroom __ of the _____ County Courthouse in _____, North Carolina, or as soon thereafter as this matter may be heard, and show cause, if any there be, why he should not be adjudged in willful civil and/or criminal contempt of this Court.

IT IS FURTHER ORDERED that on the same day and at the same time the plaintiff's motion for attorney's fees and motion for garnishment of defendant's pay will also be heard.

ENTERED this the _____ day of _____,

District Court Judge Presiding

NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION

_____ COUNTY

CvD _____

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

CERTIFICATE OF SERVICE

I hereby certify that a filed copy of the show cause order entered _____, _____; by the Honorable _____, District Court Judge, has been served upon the defendant by forwarding a copy thereof by first class mail, postage prepaid, addressed to Attorney for Defendant, _____, _____, North Carolina.

This the _____ day of _____,

Attorney for Plaintiff

OF COUNSEL:
XYZ Law Firm
111 Main Street
Sometown, North Carolina 27401
Telephone: (000) 555-2222

NORTH CAROLINA
_____ COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
CvD _____

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

STATEMENT AUTHORIZING
ENTRY OF JUDGMENT

I, _____, the defendant in the above-entitled action, do hereby confess judgment in favor of _____, the plaintiff, pursuant to N.C. Gen. Stat. § 1A-1, Rule 68.1, and do herein depose and say:

1. That I am _____, the defendant in the above-entitled action, and I am a resident of _____ County, North Carolina.
2. That the plaintiff in the above-entitled action is _____, and that she is a resident of _____ County, North Carolina.
3. That the plaintiff and I were lawfully married to one another on _____, but we are now living separate and apart.
4. That there was born of said marriage two children, namely: _____, born _____; and _____, born _____.
5. That _____ is in the physical custody of the plaintiff, and _____ is in my physical custody, and I do hereby acknowledge my duty to support and maintain said children.
6. I hereby authorize the entry of judgment against me for child support in the amount of \$ _____ every other week to the plaintiff for the use, maintenance and benefit of the minor child in her physical custody. The payments are to be made directly to plaintiff beginning Friday, _____, and continuing every other Friday thereafter. Should I fail to make a child support payment to the plaintiff on or before the Monday after any such payment is due, I hereby authorize the entry of an order requiring me to make all future payments to the plaintiff through NC Child Support Centralized Collections, P.O. Box 900006, Raleigh, North Carolina 27675. Child support payments shall

continue until the child in the custody of the plaintiff reaches the age of eighteen (18) years, or if she is still in secondary school when she reaches age 18, until she is graduated, ceases to attend secondary school on a regular basis, or reaches the age of twenty (20), whichever first occurs.

7. I do hereby authorize the Clerk of Superior Court of ___ County, North Carolina, to enter an order requiring me to maintain the minor children on my group hospitalization and major medical insurance plan furnished through my employer, and further requiring me to pay one-half of all reasonable uninsured medical and dental expenses of each minor child so long as I am obligated to provide support for said children and so long as I am employed by a company providing dependent insurance coverage substantially similar to that offered by my present employer.

8. This statement authorizing confession of judgment is executed by me to supplement the terms of a separation agreement dated _____, executed by plaintiff and me.

9. This statement authorizing entry of judgment against me shall be entered as a judgment of the Court, it being agreed by the parties that my failure to make the monthly payments hereinabove set forth shall subject me to such penalties as may be required by the Court in the case of contempt of its orders.

10. The judgment entered pursuant to this statement shall be subject to modification by the Court upon a change of circumstances.

This ___ day of

Defendant

NORTH CAROLINA

_____ COUNTY

I, _____, a Notary Public for said county and state, do hereby certify that
_____ personally appeared before me this day and acknowledged the due
execution of the foregoing instrument.

Witness my hand and notarial seal, this ____ day of

Notary Public

My Commission Expires: _____

NORTH CAROLINA
_____ COUNTY

IN THE GENERAL COURT OF JUSTICE
DISTRICT COURT DIVISION
CvD _____

_____,

Plaintiff,

v.

_____,

Defendant.

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JUDGMENT BY CONFESSION

THIS CAUSE coming on to be heard before the undersigned Clerk of Superior Court of _____ County, North Carolina, and it appearing to the Court that the attached verified statement authorizing entry of judgment authorizes the entry of a judgment against the defendant in this cause pursuant to N.C. Gen. Stat. §1A-1, Rule 68.1;

Based upon said statement authorizing entry of judgment, it is ORDERED, ADJUDGED and DECREED as follows:

1. The defendant shall pay directly to the plaintiff the sum of _____ per month payable in the sum of _____ every other week beginning _____, and continuing every other thereafter. If the defendant fails to make a child support payment to the plaintiff on or before the _____ after any such payment is due, the defendant shall become subject to an order requiring him to make all future payments through the NC Child Support Centralized Collections, P.O. Box 900006, Raleigh, North Carolina 27675.

2. The defendant's obligation to provide support to the plaintiff shall continue until _____, born _____, reaches the age of eighteen (18) years, is otherwise emancipated, or if she is still in secondary school when she reaches age eighteen (18), until she is graduated, ceases to attend school on a regular basis, or reaches the age of twenty (20), whichever first occurs.

3. As additional support for the minor children of the parties, the defendant shall maintain said children on his group major medical and hospitalization insurance plan provided through his employer.

4. As additional support for the minor children, the defendant shall pay one-half the reasonable uninsured medical, dental and orthodontic expenses of the minor children so long as he is employed by a company which provides dependent insurance coverage substantially similar to that offered by the defendant's present employer, _____.

5. The defendant shall keep the Office of the Clerk of Superior Court of ____ County, North Carolina, informed of his current residence and mailing address, and shall cooperate fully with the plaintiff in verifying the amount of his disposable income. The current mailing address of the defendant is _____.

6. The defendant shall become subject to the income withholding procedures set forth in N.C. Gen. Stat. §110-136.5 under a separate order if he fails to make the child support payments required hereinabove in an amount equal to the support payable for one month or should he at any time request the withholding.

7. The plaintiff shall keep the defendant informed at all time of the current residence and mailing address of the minor child in her custody. The current mailing address of the plaintiff and the minor child is _____.

8. This cause may be brought before this Court upon proper motion upon a showing of a change in circumstances.

This ____ day of

Clerk of Superior Court
____ County

NORTH CAROLINA)	IN THE GENERAL COURT OF JUSTICE
)	DISTRICT COURT DIVISION
FORSYTH COUNTY)	CVD
JANE DOE,)	
)	
Plaintiff,)	
)	
vs.)	COMPLAINT
)	
JOHN DOE,)	
)	
Defendant.)	

Plaintiff, JANE DOE (“Plaintiff”), through counsel, files the following Complaint against Defendant JOHN DOE (“Defendant”), for Equitable Distribution. In support of her claim, Plaintiff states:

1. Plaintiff is a citizen and resident of Forsyth County, North Carolina, and has been a resident of North Carolina for more than six months next preceding the institution of this action.
2. Defendant is a citizen and resident of Forsyth County, North Carolina, and has been a resident of North Carolina for more than six months next preceding the institution of this action.
3. Plaintiff and Defendant were married on January 1, 2010, and lived together as husband and wife from that date until on or about January 1, 2016, at which time Plaintiff left the marital home.
4. There are no minor children born of the marriage.
5. Throughout the marriage of the parties, Plaintiff and Defendant have acquired certain property that is “marital” property as defined in N.C.G.S. § 50-20, and Plaintiff contends that there will be “divisible” property as defined in N.C.G.S. § 50-20.
6. Pursuant to N.C.G.S. § 50-20(c), the Court is empowered to grant title and/or exclusive possession of said property and to divide said property equitably between Plaintiff and Defendant.
7. The circumstances of the instant case and of the parties in this action warrant that an equal division of the marital property between Plaintiff and Defendant is inequitable, and that Plaintiff should be entitled to more than one-half of the parties’ marital and divisible property.
8. Pursuant to N.C.G.S. § 50-20(i) and § 1A(1), Rule 65, and Chapter 1, Article 837, the Court is empowered to issue and to grant injunctive relief to prevent the disappearance, waste, or conversion of property alleged to be marital property, divisible property, or separate property.

Pursuant to these statutes and North Carolina law, Plaintiff requests the Court to sign and enter a Preliminary Injunction restraining and enjoining the Defendant from assigning, transferring, encumbering, selling, leasing, removing, conveying, or disposing of any marital assets of the parties prior to the equitable distribution trial in this action. Plaintiff requests that the Court treat this request and claim as a Motion for Preliminary Injunction against the Defendant.

9. In addition, Plaintiff requests the Court to enter an Order requiring the Defendant to submit to the Court and to counsel for the Plaintiff a written accounting as to any and all assignments, transfers, encumbrances, sales, leases, removals, conveyances, or dispositions of any marital and other assets by the Defendant between the parties' date of separation and the present date. Plaintiff requests that the Court treat this request as a Motion for an Accounting.

10. Pursuant to N.C.G.S. § 50-20(i)(1), Plaintiff requests and asks the Court to treat this request as a Motion for the Court to conduct a hearing and to award to the Plaintiff an interim allocation, to divide part of the marital and divisible property between the parties, and to require the Defendant to pay a distributive award to the Plaintiff subject to the requirement of the above statute that any order so entered shall be taken into consideration at the equitable distribution trial and proper credit shall be given at the trial.

WHEREFORE, the Plaintiff respectfully prays the Court for the following relief:

1. That this verified Complaint of the Plaintiff be allowed and taken as an affidavit of the Plaintiff upon which the Court may base all of its Orders in this case;

2. That the Court provide an equitable distribution of the parties' marital and divisible property between Plaintiff and Defendant, and that the Court award to Plaintiff an unequal distribution in substantially more than fifty percent (50%) of the fair market value of the marital and divisible property of the parties;

3. That the Court enter a Preliminary Injunction against the Defendant pursuant to N.C.G.S. § 50-20; N.C.G.S. § 1A-1, Rule 65, and Chapter 1, Article 37 of the General Statutes of North Carolina enjoining and restraining the Defendant from assigning, transferring, encumbering, selling, leasing, removing, conveying, or disposing of any marital assets prior to the equitable distribution trial. In addition, that the Court treat this as Plaintiff's Motion for Preliminary Injunction against the Defendant. In addition, that the Court treat this request as Plaintiff's Motion for Accounting against the Defendant;

4. That the Court enter an Order requiring the Defendant to submit to the Court and to counsel for Plaintiff a written accounting as to any and all assignments, transfers, encumbrances, sales, leases, removals, conveyances, or dispositions of any assets by the Defendant between January 1, 2015 and the present date;

5. That the Court enter an Order pursuant to N.C.G.S. § 50-20(i)(1) providing and ordering that the Defendant provide for the subsistence of the Plaintiff while the equitable distribution action is pending, that the Court enter an Order for an interim allocation to the Plaintiff and dividing and distributing to the Plaintiff part of the marital property, and that the partial distribution and interim allocation Order provide for and order the Defendant to pay to the Plaintiff a distributive award (in the form of a payment of money). This request and Motion on behalf of

the Plaintiff is subject to the requirement of the above statute that any Order so entered shall be taken into consideration at the equitable distribution trial and that proper credit be given at the trial; and

6. That the Plaintiff be granted such other and further relief as the Court may deem just and proper.

This the _____ day of _____, 2016.

Mary Smith
(NC State Bar # _____)
Attorney for the Plaintiff

NORTH CAROLINA)
)
FORSYTH COUNTY)

VERIFICATION

JANE DOE, being first duly sworn, deposes and says:

That this affiant is the Plaintiff in the above-entitled action; that this affiant has read the foregoing Complaint and knows the contents thereof; that the same is true of this affiant's own knowledge, except as to those matters therein set out upon information and belief, and, as to those matters, this affiant believes them to be true.

JANE DOE
Plaintiff

SWORN TO and subscribed
before me this the _____ day of _____, 2016.

Notary Public

Typed or Printed Name of Notary

My Commission Expires:
_____.

7. During the parties' marriage and before their date of separation, the parties acquired property and debt that is "marital" within the meaning of N.C. Gen. Stat. §50-20. After the parties' separation, they have acquired property and debt that is "divisible" within the meaning of N.C. Gen. Stat. §50-20.

8. The parties are entitled to an equitable distribution of marital and divisible property and debt.

9. Factors exist pursuant to N.C. Gen. Stat. §50-20 to justify an unequal distribution of marital and divisible property and debt in favor of Plaintiff as equitable.

MOTION FOR INTERIM DISTRIBUTION

NOW COMES, Plaintiff, and moves this Court for an interim distribution of marital and divisible property pursuant to N.C.G.S. §50-20(i1). In support of this Motion, Plaintiff shows the Court the following:

1. The allegations of Paragraphs 1 through 9 of Plaintiff's Complaint above are hereby realleged and incorporated herein by reference as if set forth in full.

2. The former marital residence is located at [] [] NC and is titled jointly by the Plaintiff and Defendant. The loan secured by this property is in Plaintiff and Defendant's joint names, and both parties are liable. Upon information and belief, the former marital residence has equity in excess of \$[]

3. Defendant is in exclusive possession of the former marital residence and has been in exclusive control over this asset since the date of the parties' separation.

4. Defendant locked Plaintiff out of the former marital residence while Plaintiff was out of town for business. Since the date of separation, Plaintiff has been forced to rent a room as a temporary living arrangement.

5. Upon information and belief, Defendant is unwilling to pay the costs associated with the former marital residence, such as the mortgage, taxes, and utilities.

6. As of the filing of this Complaint, Defendant has only paid half of the mortgage payment that was due on September 1.

7. Plaintiff is able and willing to take full responsibility for the costs associated with the former marital residence should the former marital residence be distributed to her as an interim distribution.

8. The parties have two dogs, □ and □ that were acquired during the marriage. The dogs are currently at the former marital residence with Defendant.

9. Upon information and belief, Defendant is unwilling and unable to care for the dogs, and he has threatened to get rid of the dogs.

10. Plaintiff desires to keep the dogs and is willing to care for them, however, she is unable to have the dogs with her in her temporary living situation.

11. Were Plaintiff awarded the former marital residence and the dogs, she would be able to care for the dogs.

12. Pending a hearing on Plaintiff's claim for equitable distribution, Plaintiff is in need of, and is entitled to, an Order distributing the former marital residence and the dogs to her as an interim distribution.

13. Good cause exists for an interim distribution to Plaintiff in this matter as requested above, including, but not limited to, the need for preservation of marital assets and maintenance of marital debts.

14. In the alternative, Plaintiff requests an Order requiring that the former marital residence be immediately listed for sale with a licensed realtor and continuously listed for sale

until sold, and ordering Defendant to cooperate with the sale and to maintain the former marital residence in show condition at all times until sold.

WHEREFORE, the Plaintiff prays the Court for the following relief:

1. That this Complaint be taken as an affidavit in support of the Plaintiff's prayers for relief.

2. That the Court equitably distribute the marital and divisible property of these parties by making an unequal distribution of the net value of the marital and divisible property in favor of the Plaintiff.

3. That the Court enter an order of interim distribution, pursuant to N.C. Gen. Stat. § 50-20(i1), distributing the former marital residence, located at _____, NC, and the parties' dogs, _____ and _____ to Plaintiff.

4. In the alternative, that the Court order the former marital residence be immediately listed for sale and continuously listed until sold and that Defendant be ordered to cooperate with the sale and to maintain the former marital residence in show condition at all times until sold.

5. For such other and further relief as this Court may deem proper and just.

This ___ day of _____, 20__

LAW FIRM, PC

BY: _____

Attorney for Plaintiff

_____ Center Drive

North Carolina 275.

Telephone: (919) _____

NORTH CAROLINA

_____ COUNTY

VERIFICATION

being first duly affirmed, deposes and says that she is the Plaintiff in this action; that she has read said foregoing Complaint and, unless stated upon information and belief, the contents are within her personal knowledge. As to the matters stated upon information and belief, she believes them to be true.

STATE OF NORTH CAROLINA)

) ss.

COUNTY OF _____)

I hereby certify that on this ____ day of _____, 20__ before me personally appeared of whom I have seen satisfactory evidence of her identity, by a current state identification (_____ Driver's License) with such person's photograph, who acknowledged to me that she voluntarily executed the foregoing instrument for the purposes stated therein, and who acknowledged that she is duly authorized to execute the same.

Notary Public

My Commission Expires: _____

Official Seal:

NORTH CAROLINA

_____ COUNTY

VERIFICATION

□ being first duly affirmed, deposes and says that she is the Plaintiff in this action; that she has read said foregoing Complaint and, unless stated upon information and belief, the contents are within her personal knowledge. As to the matters stated upon information and belief, she believes them to be true.

□

STATE OF NORTH CAROLINA)

) ss.

COUNTY OF _____)

I hereby certify that on this ____ day of _____, 20□ before me personally appeared □ of whom I have seen satisfactory evidence of her identity, by a current state identification (_____ Driver's License) with such person's photograph, who acknowledged to me that she voluntarily executed the foregoing instrument for the purposes stated therein, and who acknowledged that she is duly authorized to execute the same.

Notary Public

My Commission Expires: _____

Official Seal:

NORTH CAROLINA
14th JUDICIAL DISTRICT
DURHAM COUNTY

EQUITABLE DISTRIBUTION

_____ Plaintiff	_____ Defendant
--------------------	--------------------

**INVENTORY
AFFIDAVIT**

The undersigned affiant, after being duly sworn, says that the attached list of property and debts are all the assets and liabilities accumulated and/or owned on the date of separation (DOS) or acquired since the DOS and prior to the filing of this document to the best of my knowledge as of the date of the signing of this affidavit.

This inventory is submitted for purposes of pre-trial discovery and in no way is intended to be an exhaustive list of all assets of which I may not have knowledge. However, I certify that the following list is a full and complete disclosure of all assets and liabilities within my knowledge as of the date of submitting this inventory to the Court. The affiant also certifies that the values listed herein are estimated in good faith subject to further discovery, appraisals and my final Equitable Distribution Affidavit.

The Plaintiff and Defendant were married on the _____ day of _____, 20____, and separated on or about the _____ day of _____, 20____.

This the _____ day of _____, 20____.

Subscribed and sworn to before me this
the _____ day of _____, 20____.

Notary Public
My commission expires: _____

Name (Plaintiff or Defendant)

INSTRUCTIONS TO PARTIES For completion of Equitable Distribution Inventory Affidavit

1. READ THESE INSTRUCTIONS CAREFULLY. Your inventory must be fully and accurately prepared. Submission of this inventory is required by the 14th Judicial District Court Local Rules. A copy of the Rules is available in the Family Court Office, located on the sixth (6th) floor of the Durham County Courthouse, 510 S. Dillard Street, Durham, NC 27701. If you are not represented by counsel, you should obtain a copy of those Rules so that you comply with them and assure that you do not prejudice your case. Your interests in this lawsuit will be harmed if your affidavit does not contain all the information required and if that information is not accurate.
2. READ THE INVENTORY FORM THOROUGHLY AND CAREFULLY. If you have any questions, or are unsure how to list certain information, ask your attorney first so that your inventory will be complete and correct before it is placed in final typed form. Failure to fully comply with these instructions may result in sanctions being imposed against you by the Court.
3. The inventory, when filed with the Clerk of Court, must be typed. Your signature must be notarized. There must be at least three typed or reproduced copies.
4. Each individual asset and/or liability must be listed separately. Further, the inventory should be completed and filed with the Clerk of Superior Court. You must list the items in the order set forth on the attached sheet entitled "Order of Assets for Inventory." You may omit sections or categories of assets that are not included in your case.
5. The purpose of this inventory is to facilitate early and accurate disclosure of all property and debts. This inventory form is the basis for your Equitable Distribution Affidavit which is required to be filed under the local rules.
6. Instruction for each Schedule should be followed. Definitions used in this form are not intended to be all-inclusive and each party should seek individual legal counsel if they need assistance. Definitions used in these forms are simply a summary of the definitions set forth in North Carolina Statutes § 50-20, but they should not be relied upon without the advice of an attorney. Each column in each schedule must be fully completed prior to filing with the court.
7. If you are given the inventory by your attorney, you should complete it and return it to him or her as soon as possible.
8. If you are not represented by an attorney, the Rules of Court apply equally to you, and it is your responsibility to fully comply with these instructions. You must file the **typed** original of your inventory with the Clerk of Superior Court – Family Court Division, located on the sixth (6th) floor of the Durham County Courthouse, 510 S. Dillard Street, Durham, North Carolina 27701, at or before the scheduled Equitable Distribution Status Conference. You must also deliver, in person or by mail, a filed copy of the original to the attorney representing the opposing party or to the unrepresented opposing party, at/or before the scheduled Equitable Distribution Status Conference. (Please refer to the Local Rules for the 14th Judicial District Court). **THIS DEADLINE IS IMPORTANT AND FAILURE TO COMPLY WITH THE DEADLINE MAY RESULT IN THE IMPOSITION OF SANCTIONS.**
9. Intentional omissions or misstatements of fact in your affidavit will constitute perjury and may subject you to sanctions by the Court.

ORDER OF ASSETS AND LIABILITIES FOR INVENTORY
LIST ASSETS IN THE FOLLOWING ORDER

I. MARITAL ASSETS

- A. Realty
 - 1. Residential
 - 2. Rental
 - 3. Commercial/Business
 - 4. Recreational
- B. Transportation
 - 1. Automobiles
 - 2. Trucks
 - 3. Vans
 - 4. Motorcycles
 - 5. Boats
 - 6. Airplanes
- C. Stocks and Bonds
 - 7. Stocks - publicly traded
 - 8. Bonds and Debentures
 - 9. Mutual funds
 - 10. Stock - options
 - 11. Stocks
 - 12. Futures
- D. Bank Accounts & IRA Accounts
 - 1. Checking accounts
 - 2. Savings accounts
 - 3. IRA accounts
 - 4. Certificates of deposit
 - 5. Cash in hand or held by another
- E. Artwork, Metals, & Other Collectibles
 - 1. Artwork
 - 2. Gold
 - 3. Silver
 - 4. Firearms
 - 5. Coins
- F. Miscellaneous Notes and Income
 - 1. Producing Assets
 - 2. Promissory Notes
 - 3. Annuities
 - 4. Interest in Trust
- G. Silver, China and Crystal
- H. Jewelry
- I. Animals
 - 1. Dogs
 - 2. Cats
 - 3. Horses
 - 4. Cattle
 - 5. Other
- J. Intellectual Properties
 - 1. Inventions & Trade Secrets
 - 2. Copyrights & Patents
 - 3. Trademarks & Trade Names
- K. Business Interests
 - 1. Partnership Interest
 - 2. Sole Proprietorship Interest
 - 3. Unincorporated Association Interest
 - 4. Closely Held Corporations
 - 5. (includes stock)
- L. Household Goods
 - 1. Furniture (including Antiques)
 - 2. Pictures, Prints and Other wall hangings
 - 3. Appliances (including dishwasher, washing machine/dryer, etc.)
 - 4. Electronics (including TV, radio, stereo, etc.)
 - 5. Linens
 - 6. Books
 - 7. Kitchen Utensils
 - 8. Outdoor-Furniture
 - 9. Sporting Goods
 - 10. Tools
 - 11. Lawnmowers
- M. Vested Pension & Retirement Account
 - 1. Defined Benefit Plan
 - 2. Defined Contribution Plan
 - 3. Profit Sharing

TABLE OF SCHEDULES

Schedule I:	Marital Assets
Schedule II:	Unsecured Marital Debts
Schedule III:	Separate Assets
Schedule III-A:	Active Increase in Value of Separate Property Prior to Date of Separation (hereinafter DOS)
Schedule IV:	Separate Debts
Schedule V:	Divisible Property
Schedule V-A:	Passive Increases and Decreases to Value of Marital Property
Schedule V-B:	Commissions, Bonuses, Property, Etc., Received after DOS but Earned Prior to DOS
Schedule V-C:	“Passive” Income Received after DOS From Marital Property
Schedule V-D:	Post DOS Increases to Marital Debt, Financing Charges and Interest Charges
Schedule VI:	Property Acquired after Separation
Schedule VII:	Post-Separation Disposal of Marital Property
Schedule VIII:	Post-Separation Reduction of Marital Debt
Schedule IX:	Contributions to Separate Property of Other Spouse

SCHEDULE II: UNSECURED MARITAL DEBTS

Marital debt is generally debt that was acquired during the marriage for the joint benefit of the parties. The classification of marital debt is not simply a matter of determining in which party's name a debt was incurred, but rather the purpose for which the debt was acquired or incurred. For the purpose of completing this schedule, you should list the account numbers for all debts including credit card debts. Secured debts should be listed on the appropriate schedule as a lien, mortgage or other encumbrance against a specific asset.

Name & Address of Creditor and Account Number	Name(s) of Person Listed on the Debt	Reason Debt Incurred	DOS Balance	Present Balance and Party Who Has Paid since DOS
Example: All State Credit 123 Smith Road, Durham, N.C. 27701 Acct. No. 123456	Ms. Mary Smith	Purchase Washer	\$500.00	\$525.00 as of 1/31/01 Wife paid since DOS

SCHEDULE III: SEPARATE ASSETS

“Separate property” does not include property acquired after the date of separation. This category includes property owned by you as of the date of marriage if you still own it as of the date of separation and it is not marital property but is property that was inherited, owned by one party prior to the marriage, or given to one party as a gift during the marriage by a third party who is not a spouse.

Description of Asset	Basis for Separate Classification	Possession (H/W)	DOS Net FMV (FMV less Debt or Liens)
Example: 1965 Ford car	Owned prior to marriage	Husband	\$10,000.00

**SCHEDULE III-A
ACTIVE INCREASE IN VALUE OF SEPARATE PROPERTY
PRIOR TO DATE OF SEPARATION**

If you contend that any separate property owned by the other party has actively increased in value (for example, because of your efforts or your spouse’s efforts, or the efforts of both of you) during the course of the marriage and prior to the date of separation, then complete the following schedule.

Description of Asset	Owner of Asset	Net FMV at DOM	Net FMV at DOS	Amount of Active Increase
Example: 1965 Ford car	Husband	\$5,000.00	\$10,000.00	\$5,000.00

SCHEDULE IV. SEPARATE DEBTS

List all debts that you have not previously listed as separate debts.

Name & Address of Creditor, Account Number	Name(s) of person listed on the debt	Basis for Separate Classification	Pre-marital Balance	DOS Balance
Example: First Union Bank, 1234 First Street Durham, North Carolina Acct. No. 1234	Ms. Mary Smith	Borrowed after the DOS	\$0.00	\$0.00

SCHEDULE V: DIVISIBLE PROPERTY

INSTRUCTIONS:

Use this section of the affidavit to list “divisible property,” which is all real and personal property that falls within the following four categories:

SCHEDULE A:

List here all “passive” increases and decreases in value to marital property that occurs after the date of separation (DOS) and prior to the date of distribution (DOD). Increases and decreases in value that are attributable to the efforts of actions of you or the other party are “active” and should not be listed here. For example, the increase in the value of a marital home after DOS and prior to DOD is normally a “passive” increase because it is usually due to market forces and conditions. If that is the case, the increase would be listed here as divisible property. However, if the increase in the value of the home is due to one of the party’s efforts to renovate the home with post-separation funds following DOS, then the increase is “active” and the increase in value should not be listed here.

SCHEDULE B:

On this schedule you should list items such as commissions, bonuses, contractual payments, property, or property rights that were received by either party after DOS but prior to DOD, and were acquired as a result of efforts of either spouse during the marriage and prior to DOS. For example, a party may have earned an employment bonus prior to DOS, but the bonus was not actually paid until after DOS. The bonus would be “divisible property” and would be properly listed below. However, bonuses, commissions and other post-separation payments or transfers that were earned after DOS would not be divisible property and should not be listed as such.

SCHEDULE C:

Use this schedule to list "passive" income from marital property received or accrued after DOS, including but not necessarily limited to interest and dividends. Do not list contributions of funds made after DOS from funds earned after DOS.

SCHEDULE D:

Use this schedule to list any increases in marital debt, financing charges and interest related to marital debt that occurred after DOS and prior to DOD. You should not list any debts that were incurred after DOS nor financing charges and/or interest related to such post-separation debts.

**SCHEDULE V-A
PASSIVE INCREASES AND DECREASES TO VALUE OF MARITAL PROPERTY**

For any asset or item of marital property which you listed previously, list the asset and the increase or decrease in value since DOS. List any decreases in value in parentheses.

	Item of Marital Property	Reason for Passive Increase or Decrease	Amount of Increase or (Decrease) after DOS	Net Value of Item Now
	Example: House and Lot 23, Smith Level Road, Durham, NC	Replaced Deck after DOS	\$5,000.00	\$125,000.00 \$-25,000.00 \$100,000.00

**SCHEDULE V-B
COMMISSIONS, BONUSES, PROPERTY, ETC. RECEIVED AFTER
DOS BUT EARNED PRIOR TO DOS**

Description of Item	Received by H/W or Joint	Date Received	Amount Received
Example: Bonus check, May 5, 2000	Husband	May 5, 2000	\$500.00

**SCHEDULE V-C
"PASSIVE" INCOME RECEIVED AFTER DOS FROM MARITAL PROPERTY
(e.g., interest and dividends etc.)**

Description of Item	Received by H / W or Joint	Date Received	Amount Received
Example: JJS Stock Dividends Acct. No. 12345	Wife	May 15, 2000	\$200.00

**SCHEDULE V-D
POST DOS INCREASES TO MARITAL DEBT, FINANCING
CHARGES, AND INTEREST CHARGES**

This schedule should be completed with reference back to the list of marital debts set out previously. For example, if you listed a charge card as a marital debt and the balance due has increased since DOS, you should identify that debt and increase here. Please keep all debts listed in a consistent order.

Description of Debt	DOS Balance	Current Balance	Reason for Increase
Example: All State Credit, 123 Smith Road, Durham, N.C. 27701, Acct. No.123456	\$500.00	\$525.00	Finance charges

**SCHEDULE VI:
PROPERTY ACQUIRED AFTER SEPARATION**

List here property acquired by you with funds acquired by you after the date of separation and which is your property. Property acquired after separation with marital funds or in exchange for marital property is marital property and should be listed on the marital property schedule with an appropriate explanation.

Description of Item	Source of Funds Used to Acquire Property	Amount Paid to Acquire Property
Example: 1999 Ford Ranger	Borrowed money and payments are coming from weekly paychecks	\$15,000.00

**SCHEDULE VII:
POST-SEPARATION DISPOSAL OF MARITAL PROPERTY**

List all marital assets which have, since date of separation, been totally or partially sold, transferred, consumed, or destroyed, by you or by the other party, including but not limited to: sale of property, withdrawal of funds from accounts, and purposeful or negligent destruction of property. Identify the amount of money or other consideration resulting from the disposal, who effected the disposal (H, W or Joint) and what has been done with the net proceeds, if any (i.e., debts paid, other property acquired). If the property was used to pay marital debts, you should indicate that on the appropriate schedule. If the property was used to acquire other property after DOS, the newly acquired property may still be marital property and should be identified on this affidavit.

Description of Item	Reason for Disposal of Marital Property and Who Disposed of Property	Money or Other Consideration Received	Use of Proceeds
Example: Television	Sold, Wife sold	\$500.00	Paid bills

**SCHEDULE VIII:
POST-SEPARATION REDUCTION OF MARITAL DEBT**

List payments you have made on marital debt since the date of separation. List each debt by using the number you used on prior schedules. You should have listed the balance on such debts as of DOS on the prior schedules; therefore, there is no need to list the DOS balance here.

Marital Debt as Identified Prior	Dollar Amount of Payments Made by You since DOS	Source of Funds for Payments Made by You	Balance Owed Now
Example: All State Credit 123 Smith Road, Durham N.C. 27701, Acct. No. 123456	\$100.00 as of 1/31/01	Paychecks received since DOS	\$500.00

**SCHEDULE IX:
CONTRIBUTIONS TO SEPARATE PROPERTY OF OTHER SPOUSE**

If there was an increase in value during the course of your marriage of an item claimed by the other party as 'separate property' and you claim you make a direct contribution to the increase in value of that item during the marriage, answer the following:

	Description of Item	What is the amount of your contributions, or how much did your contributions add to the value of the asset:	Detailed Explanation of Your Contributions
	Example: House and Lot at 1234 Rise Level Road, Durham, NC	\$20,000.00	I helped to remodel the whole house and we purchased all supplies to do the remodeling

CERTIFICATE OF SERVICE

I, _____, the undersigned (attorney / party), do hereby certify that a copy of the foregoing Equitable Distribution Inventory was served on _____ in the following manner:

- by hand delivery; or
- by depositing a copy of same in the United States Mail, postage prepaid, in the manner and form prescribed in the North Carolina Rules of Civil Procedure and addressed to: _____

by certified mail.

This is the _____ day of _____, 20_____.

Signature of Plaintiff or Defendant or his/her respective attorney

§ 50-20. Distribution by court of marital and divisible property.

(a) Upon application of a party, the court shall determine what is the marital property and divisible property and shall provide for an equitable distribution of the marital property and divisible property between the parties in accordance with the provisions of this section.

(b) For purposes of this section:

- (1) "Marital property" means all real and personal property acquired by either spouse or both spouses during the course of the marriage and before the date of the separation of the parties, and presently owned, except property determined to be separate property or divisible property in accordance with subdivision (2) or (4) of this subsection. Marital property includes all vested and nonvested pension, retirement, and other deferred compensation rights, and vested and nonvested military pensions eligible under the federal Uniformed Services Former Spouses' Protection Act. It is presumed that all property acquired after the date of marriage and before the date of separation is marital property except property which is separate property under subdivision (2) of this subsection. It is presumed that all real property creating a tenancy by the entirety acquired after the date of marriage and before the date of separation is marital property. Either presumption may be rebutted by the greater weight of the evidence.
- (2) "Separate property" means all real and personal property acquired by a spouse before marriage or acquired by a spouse by devise, descent, or gift during the course of the marriage. However, property acquired by gift from the other spouse during the course of the marriage shall be considered separate property only if such an intention is stated in the conveyance. Property acquired in exchange for separate property shall remain separate property regardless of whether the title is in the name of the husband or wife or both and shall not be considered to be marital property unless a contrary intention is expressly stated in the conveyance. The increase in value of separate property and the income derived from separate property shall be considered separate property. All professional licenses and business licenses which would terminate on transfer shall be considered separate property.
- (3) "Distributive award" means payments that are payable either in a lump sum or over a period of time in fixed amounts, but shall not include alimony payments or other similar payments for support and maintenance which are treated as ordinary income to the recipient under the Internal Revenue Code.
- (4) "Divisible property" means all real and personal property as set forth below:
 - a. All appreciation and diminution in value of marital property and divisible property of the parties occurring after the date of separation and prior to the date of distribution, except that appreciation or diminution in value which is the result of postseparation actions or activities of a spouse shall not be treated as divisible property.
 - b. All property, property rights, or any portion thereof received after the date of separation but before the date of distribution that was acquired as a result of the efforts of either spouse during the marriage and before the date of separation, including, but not limited to, commissions, bonuses, and contractual rights.
 - c. Passive income from marital property received after the date of separation, including, but not limited to, interest and dividends.
 - d. Passive increases and passive decreases in marital debt and financing charges and interest related to marital debt.

(c) There shall be an equal division by using net value of marital property and net value of divisible property unless the court determines that an equal division is not equitable. If the court determines that an equal division is not equitable, the court shall divide the marital property and divisible property equitably. The court shall consider all of the following factors under this subsection:

- (1) The income, property, and liabilities of each party at the time the division of property is to become effective.
- (2) Any obligation for support arising out of a prior marriage.
- (3) The duration of the marriage and the age and physical and mental health of both parties.
- (4) The need of a parent with custody of a child or children of the marriage to occupy or own the marital residence and to use or own its household effects.
- (5) The expectation of pension, retirement, or other deferred compensation rights that are not marital property.
- (6) Any equitable claim to, interest in, or direct or indirect contribution made to the acquisition of such marital property by the party not having title, including joint efforts or expenditures and contributions and services, or lack thereof, as a spouse, parent, wage earner or homemaker.
- (7) Any direct or indirect contribution made by one spouse to help educate or develop the career potential of the other spouse.
- (8) Any direct contribution to an increase in value of separate property which occurs during the course of the marriage.
- (9) The liquid or nonliquid character of all marital property and divisible property.
- (10) The difficulty of evaluating any component asset or any interest in a business, corporation or profession, and the economic desirability of retaining such asset or interest, intact and free from any claim or interference by the other party.
- (11) The tax consequences to each party, including those federal and State tax consequences that would have been incurred if the marital and divisible property had been sold or liquidated on the date of valuation. The trial court may, however, in its discretion, consider whether or when such tax consequences are reasonably likely to occur in determining the equitable value deemed appropriate for this factor.
- (11a) Acts of either party to maintain, preserve, develop, or expand; or to waste, neglect, devalue or convert the marital property or divisible property, or both, during the period after separation of the parties and before the time of distribution.
- (11b) In the event of the death of either party prior to the entry of any order for the distribution of property made pursuant to this subsection:
 - a. Property passing to the surviving spouse by will or through intestacy due to the death of a spouse.
 - b. Property held as tenants by the entirety or as joint tenants with rights of survivorship passing to the surviving spouse due to the death of a spouse.
 - c. Property passing to the surviving spouse from life insurance, individual retirement accounts, pension or profit-sharing plans, any private or governmental retirement plan or annuity of which the decedent controlled the designation of beneficiary (excluding any benefits under the federal social security system), or any other retirement accounts or contracts, due to the death of a spouse.
 - d. The surviving spouse's right to claim an "elective share" pursuant to G.S. 30-3.1 through G.S. 30-33, unless otherwise waived.

(12) Any other factor which the court finds to be just and proper.

(c1) Notwithstanding any other provision of law, a second or subsequent spouse acquires no interest in the marital property and divisible property of his or her spouse from a former marriage until a final determination of equitable distribution is made in the marital property and divisible property of the spouse's former marriage.

(d) Before, during or after marriage the parties may by written agreement, duly executed and acknowledged in accordance with the provisions of G.S. 52-10 and 52-10.1, or by a written agreement valid in the jurisdiction where executed, provide for distribution of the marital property or divisible property, or both, in a manner deemed by the parties to be equitable and the agreement shall be binding on the parties.

(e) Subject to the presumption of subsection (c) of this section that an equal division is equitable, it shall be presumed in every action that an in-kind distribution of marital or divisible property is equitable. This presumption may be 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. In any action in which the presumption is rebutted, the court in lieu of in-kind distribution shall provide for a distributive award in order to achieve equity between the parties. The court may provide for a distributive award to facilitate, effectuate or supplement a distribution of marital or divisible property. The court may provide that any distributive award payable over a period of time be secured by a lien on specific property.

(f) The court shall provide for an equitable distribution without regard to alimony for either party or support of the children of both parties. After the determination of an equitable distribution, the court, upon request of either party, shall consider whether an order for alimony or child support should be modified or vacated pursuant to G.S. 50-16.9 or 50-13.7.

(g) If the court orders the transfer of real or personal property or an interest therein, the court may also enter an order which shall transfer title, as provided in G.S. 1A-1, Rule 70 and G.S. 1-228.

(h) If either party claims that any real property is marital property or divisible property, that party may cause a notice of lis pendens to be recorded pursuant to Article 11 of Chapter 1 of the General Statutes. Any person whose conveyance or encumbrance is recorded or whose interest is obtained by descent, prior to the filing of the lis pendens, shall take the real property free of any claim resulting from the equitable distribution proceeding. The court may cancel the notice of lis pendens upon substitution of a bond with surety in an amount determined by the court to be sufficient provided the court finds that the claim of the spouse against property subject to the notice of lis pendens can be satisfied by money damages.

(i) Upon filing an action or motion in the cause requesting an equitable distribution or alleging that an equitable distribution will be requested when it is timely to do so, a party may seek injunctive relief pursuant to G.S. 1A-1, Rule 65 and Chapter 1, Article 37, to prevent the disappearance, waste or conversion of property alleged to be marital property, divisible property, or separate property of the party seeking relief. The court, in lieu of granting an injunction, may require a bond or other assurance of sufficient amount to protect the interest of the other spouse in the property. Upon application by the owner of separate property which was removed from the marital home or possession of its owner by the other spouse, the court may enter an order for reasonable counsel fees and costs of court incurred to regain its possession, but such fees shall not exceed the fair market value of the separate property at the time it was removed.

(i1) Unless good cause is shown that there should not be an interim distribution, the court may, at any time after an action for equitable distribution has been filed and prior to the final judgment of equitable distribution, enter orders declaring what is separate property and may also enter orders dividing part of the marital property, divisible property or debt, or marital debt between the parties. The partial distribution may provide for a distributive award and may also provide for a distribution of

marital property, marital debt, divisible property, or divisible debt. Any such orders entered shall be taken into consideration at trial and proper credit given.

Hearings held pursuant to this subsection may be held at sessions arranged by the chief district court judge pursuant to G.S. 7A-146 and, if held at such sessions, shall not be subject to the reporting requirements of G.S. 7A-198.

(j) In any order for the distribution of property made pursuant to this section, the court shall make written findings of fact that support the determination that the marital property and divisible property has been equitably divided.

(k) The rights of the parties to an equitable distribution of marital property and divisible property are a species of common ownership, the rights of the respective parties vesting at the time of the parties' separation.

- (l) (1) A claim for equitable distribution, whether an action is filed or not, survives the death of a spouse so long as the parties are living separate and apart at the time of death.
- (2) The provisions of Article 19 of Chapter 28A of the General Statutes shall be applicable to a claim for equitable distribution against the estate of the deceased spouse.
- (3) Any claim for equitable distribution against the surviving spouse made by the estate of the deceased spouse must be filed with the district court within one year of the date of death of the deceased spouse or be forever barred. (1981, c. 815, s. 1; 1983, c. 309; c. 640, ss. 1, 2; c. 758, ss. 1-4; 1985, c. 31, ss. 1-3; c. 143; c. 660, ss. 1-3; 1987, c. 663; c. 844, s. 2; 1991, c. 635, ss. 1, 1.1; 1991 (Reg. Sess., 1992), c. 960, s. 1; 1995, c. 240, s. 1; c. 245, s. 2; 1997-212, ss. 2-5; 1997-302, s. 1; 1998-217, s. 7(c); 2001-364, ss. 2, 3; 2002-159, s. 33; 2003-168, ss. 1, 2; 2005-353, s. 1; 2011-284, s. 51; 2013-103, s. 1.)

§ 50-20.1. Pension and retirement benefits.

(a) The award of vested pension, retirement, or other deferred compensation benefits may be made payable:

- (1) As a lump sum by agreement;
- (2) Over a period of time in fixed amounts by agreement;
- (3) By appropriate domestic relations order as a prorated portion of the benefits made to the designated recipient at the time the party against whom the award is made actually begins to receive the benefits; or
- (4) By awarding a larger portion of other assets to the party not receiving the benefits and a smaller share of other assets to the party entitled to receive the benefits.

(b) The award of nonvested pension, retirement, or other deferred compensation benefits may be made payable:

- (1) As a lump sum by agreement;
- (2) Over a period of time in fixed amounts by agreement; or
- (3) By appropriate domestic relations order as a prorated portion of the benefits made to the designated recipient at the time the party against whom the award is made actually begins to receive the benefits.

(c) Notwithstanding the provisions of subsections (a) and (b) of this section, the court shall not require the administrator of the fund or plan involved to make any payments until the party against whom the award is made actually begins to receive the benefits unless the plan permits an earlier distribution.

(d) The award shall be determined using the proportion of time the marriage existed (up to the date of separation of the parties), simultaneously with the employment which earned the vested and nonvested pension, retirement, or deferred compensation benefit, to the total amount of time of employment. The award shall be based on the vested and nonvested accrued benefit, as provided by the plan or fund, calculated as of the date of separation, and shall not include contributions, years of service, or compensation which may accrue after the date of separation. The award shall include gains and losses on the prorated portion of the benefit vested at the date of separation.

(e) No award shall exceed fifty percent (50%) of the benefits the person against whom the award is made is entitled to receive as vested and nonvested pension, retirement, or other deferred compensation benefits, except that an award may exceed fifty percent (50%) if (i) other assets subject to equitable distribution are insufficient; or (ii) there is difficulty in distributing any asset or any interest in a business, corporation, or profession; or (iii) it is economically desirable for one party to retain an asset or interest that is intact and free from any claim or interference by the other party; or (iv) more than one pension or retirement system or deferred compensation plan or fund is involved, but the benefits award may not exceed fifty percent (50%) of the total benefits of all the plans added together; or (v) both parties consent. In no event shall an award exceed fifty percent (50%) if a plan prohibits an award in excess of fifty percent (50%).

(f) In the event the person receiving the award dies, the unpaid balance, if any, of the award shall pass to the beneficiaries of the recipient by will, if any, or by intestate succession, or by beneficiary designation with the plan consistent with the terms of the plan unless the plan prohibits such designation. In the event the person against whom the award is made dies, the award to the recipient shall remain payable to the extent permitted by the pension or retirement system or deferred compensation plan or fund involved.

(g) The court may require distribution of the award by means of a qualified domestic relations order, or as defined in section 414(p) of the Internal Revenue Code of 1986, or by other appropriate order. To facilitate the calculating and payment of distributive awards, the administrator of the system, plan, or fund may be ordered to certify the total contributions, years of service, and pension, retirement, or other deferred compensation benefits payable.

(h) This section and G.S. 50-21 shall apply to all pension, retirement, and other deferred compensation plans and funds, including vested and nonvested military pensions eligible under the federal Uniform Services Former Spouses Protection Act, and including funds administered by the State pursuant to Articles 84 through 88 of Chapter 58 and Chapters 120, 127A, 128, 135, 143, 143B, and 147 of the General Statutes, to the extent of a member's accrued benefit at the date of separation, as determined by the court. (1997-212, s. 1.)

§ 50-21. Procedures in actions for equitable distribution of property; sanctions for purposeful and prejudicial delay.

(a) At any time after a husband and wife begin to live separate and apart from each other, a claim for equitable distribution may be filed and adjudicated, either as a separate civil action, or together with any other action brought pursuant to Chapter 50 of the General Statutes, or as a motion in the cause as provided by G.S. 50-11(e) or (f). Within 90 days after service of a claim for equitable distribution, the party who first asserts the claim shall prepare and serve upon the opposing party an equitable distribution inventory affidavit listing all property claimed by the party to be marital property and all property claimed by the party to be separate property, and the estimated date-of-separation fair market value of each item of marital and separate property. Within 30 days after service of the inventory affidavit, the party upon whom service is made shall prepare and serve an inventory affidavit upon the other party. The inventory affidavits prepared and served pursuant to this subsection shall be subject to amendment and shall not be binding at trial as to completeness or value. The court may extend the time limits in this subsection for good cause shown. The affidavits are subject to the requirements of G.S. 1A-1, Rule 11, and are deemed to be in the nature of answers to interrogatories propounded to the parties. Any party failing to supply the information required by this subsection in the affidavit is subject to G.S. 1A-1, Rules 26, 33, and 37. During the pendency of the action for equitable distribution, discovery may proceed, and the court shall enter temporary orders as appropriate and necessary for the purpose of preventing the disappearance, waste, or destruction of marital or separate property or to secure the possession thereof.

Real or personal property located outside of North Carolina is subject to equitable distribution in accordance with the provisions of G.S. 50-20, and the court may include in its order appropriate provisions to ensure compliance with the order of equitable distribution.

(b) For purposes of equitable distribution, marital property shall be valued as of the date of the separation of the parties, and evidence of pre-separation and post-separation occurrences or values is competent as corroborative evidence of the value of marital property as of the date of the separation of the parties. Divisible property and divisible debt shall be valued as of the date of distribution.

(c) Nothing in G.S. 50-20 or this section shall restrict or extend the right to trial by jury as provided by the Constitution of North Carolina.

(d) Within 120 days after the filing of the initial pleading or motion in the cause for equitable distribution, the party first serving the pleading or application shall apply to the court to conduct a scheduling and discovery conference. If that party fails to make application, then the other party may do so. At the conference the court shall determine a schedule of discovery as well as consider and rule upon any motions for appointment of expert witnesses, or other applications, including applications to determine the date of separation, and shall set a date for the disclosure of expert witnesses and a date on or before which an initial pretrial conference shall be held.

At the initial pretrial conference the court shall make inquiry as to the status of the case and shall enter a date for the completion of discovery, the completion of a mediated settlement conference, if applicable, and the filing and service of motions, and shall determine a date on or after which a final pretrial conference shall be held and a date on or after which the case shall proceed to trial.

The final pretrial conference shall be conducted pursuant to the Rules of Civil Procedure and the General Rules of Practice in the applicable district or superior court, adopted pursuant to G.S. 7A-34. The court shall rule upon any matters reasonably necessary to effect a fair and prompt disposition of the case in the interests of justice.

(e) Upon motion of either party or upon the court's own initiative, the court shall impose an appropriate sanction on a party when the court finds that:

- (1) The party has willfully obstructed or unreasonably delayed, or has attempted to obstruct or unreasonably delay, discovery proceedings, including failure to make discovery pursuant to G.S. 1A-1, Rule 37, or has willfully obstructed or

unreasonably delayed or attempted to obstruct or unreasonably delay any pending equitable distribution proceeding, and

- (2) The willful obstruction or unreasonable delay of the proceedings is or would be prejudicial to the interests of the opposing party.

Delay consented to by the parties is not grounds for sanctions. The sanction may include an order to pay the other party the amount of the reasonable expenses and damages incurred because of the willful obstruction or unreasonable delay, including a reasonable attorneys' fee, and including appointment by the court, at the offending party's expense, of an accountant, appraiser, or other expert whose services the court finds are necessary to secure in order for the discovery or other equitable distribution proceeding to be timely conducted. (1981, c. 815, s. 6; 1983, c. 671, s. 1; 1985, c. 689, s. 21; 1987, c. 844, s. 1; 1991, c. 610, s. 2; 1991 (Reg. Sess., 1992), c. 910, s. 1; 1993, c. 209, s. 1; 1995, c. 244, s. 1; c. 245, s. 1; 1997-302, s. 2; 2001-364, s. 1.)