NORTH CAROLINA                                       IN THE GENERAL COURT OF JUSTICE

DISTRICT COURT DIVISION

,                         )

                                                            )

                        Plaintiff,                        )

                                                            )

            vs.                                            )**AFFIDAVIT**

                                                            )

,                         )

                                                            )

                        Defendant.                    )

The Plaintiff, first being duly sworn, deposes and says:

1.                   I am a citizen and resident of, \_\_\_\_\_\_\_\_\_\_ North Carolina and the Plaintiff in this matter.

2.                   I reside at, \_\_\_\_\_\_\_\_\_\_\_ North Carolina 27591, which was the marital residence.

3.                   Defendant and I were married on \_\_\_\_\_\_\_\_\_, and subsequently separated each from the other on \_\_\_\_\_\_\_\_\_\_, when the Defendant left the marital residence.

4.                   There was one child born of our marriage, to wit:. \_\_\_\_\_\_\_\_\_\_\_\_\_

5.                   I have two other children from a previous marriage, both of whom currently live with me. My oldest child, \_\_\_\_\_\_\_, is attending college and my daughter, \_\_\_\_\_\_\_\_\_, is a minor. I receive $ per month in child support from \_\_\_\_\_\_\_ \_\_\_\_\_\_\_ biological father for her.

6.                   The minor child resides with me at the address above and visit with the Defendant approximately one time per week with no overnights spent with the Defendant.

7.                   Since the date of separation, on, Defendant failed to make any child support payments until. The amount of the check in was \_\_\_\_\_\_\_$ and the check bounced, although Defendant did pay me the sum later and covered the insufficient check fees. Plaintiff\_\_\_\_\_\_\_\_s Exhibit #1.

8.                   In \_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_, Defendant paid $\_\_\_\_\_\_\_\_ per month in child support by check directly to me.

9.                   The total amount the Defendant paid in child support since the date of separation is \_\_\_\_\_\_\_\_\_ dollars ($). This is the total amount of funds provided to Plaintiff from Defendant during the nine (9) months that the parties were separated.

10.               Since the date of separation, I incurred medical expenses and other expenses which I paid for out of the sale of the farm land, as described herein below. Defendant has not paid for any of these costs.

11.               My monthly expenses for each child (not including non-prorated expenses) are approximately $\_\_\_\_\_\_\_\_. This includes money for school lunches, clothing, recreation, entertainment, gifts, eating out, reading materials and allowance. These costs are noted on my financial affidavit in Plaintiff\_\_\_\_\_\_\_s Exhibit #2.

12.               I am currently employed with \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as a full-time teacher. After the date of separation, I became certified to substitute teach. I later was offered a teaching assistant position on a full-time basis, which I immediately accepted due to my dire financial situation. Due to my good work ethic and my repeated inquiries into higher paid positions, I was offered in \_\_\_\_\_\_\_\_\_\_ to replace a teacher that was leaving for the year and I accepted the full-time teaching position and I am earning $\_\_\_\_\_\_\_\_\_\_\_, gross on a ten (10) month contract. This means that I will not receive a pay check for at least two months out of the year. My first paycheck was received on or about \_\_\_\_\_\_\_\_\_\_\_, for my current position. I work approximately forty (40) hours per week and my net income per month averaged over a year, is usually $\_\_\_\_\_\_\_\_\_\_. A copy of my paystub is attached to my financial affidavit in Plaintiff\_\_\_\_\_s Exhibit #2.

13.               Please note that in the paystub attached at Plaintiff\_\_\_\_s Exhibit #3, I was paid for seven days of service in my new job from the last month.

14.               I have our minor son \_\_\_\_\_\_\_\_\_ enrolled in early morning care and for care during track out periods, as he is enrolled in year round school, so that I can work. The monthly averaged costs of work related child care is $\_\_\_\_\_\_\_\_\_.

15.               Prior to the date of separation, Defendant maintained our health insurance for myself and the minor children through his business. After the date of separation, in about \_\_\_\_\_\_\_\_\_\_, I learned that the insurance was cancelled due to Defendant\_\_\_\_\_s non-payment of the same. I obtained insurance for myself and my children when I was allowed to through my employer. I pay $\_\_\_\_\_\_\_\_\_\_ per month for my three children, as my insurance costs are covered by my employer. The monthly amount for \_\_\_\_\_\_\_ would be $\_\_\_\_\_\_\_. Copies of the insurance premiums can be found in my paystub, which is attached to my financial affidavit in Plaintiff\_\_\_\_\_\_\_s Exhibit #2.

16.               I also have dental insurance for my minor children through my employer (as mine is covered) for which I pay $\_\_\_\_\_\_ per month. The monthly amount for \_\_\_\_\_ would be $\_\_\_\_\_\_\_. Copies of the insurance premiums can be found in my paystub, which is attached to my financial affidavit in Plaintiff\_\_\_\_\_s Exhibit #2.

17.               From approximately \_\_\_\_\_\_\_ through the current date, Defendant was the owner of \_\_\_\_\_\_\_\_\_\_. Defendant managed the law firm, handled the day-to-day operations, led and managed all other employees, and performed legal work. I worked in the office part-time assisting Defendant with the book-keeping, secretarial duties, and legal support from \_\_\_\_\_\_\_ through \_\_\_\_\_\_\_. Defendant was the only party who received income from said business.

18.               In \_\_\_\_\_\_\_, from the sole tax documents provided by Defendant, we know that his business had gross income of $\_\_\_\_\_\_\_\_\_with profits of $\_\_\_\_\_\_\_\_\_\_. We also know that this profit did not include a number of personal expenses that Defendant pays for out of his business gross income, but should be considered profit and income to Defendant. See Plaintiff\_\_\_\_\_s Exhibit #3

19.                In \_\_\_\_\_\_\_, Defendant\_\_\_\_\_s business had gross income of $\_\_\_\_\_\_\_\_\_\_ with profits of $\_\_\_\_\_\_\_\_. We also know that this profit did not include a number of personal expenses that Defendant pays for out of his business gross income, but should be considered profit and income to Defendant. See Plaintiff\_\_\_\_\_\_s Exhibit #4

20.               In \_\_\_\_\_\_\_\_, Defendant signed my name to the joint tax returns. In \_\_\_\_\_\_\_\_, I signed the joint tax returns at the hospital when they were placed before me as my father-in-law was very ill and I did not have a proper chance to review them. I trusted my husband at the time.

21.               I believe that Defendant can still earn the same amount of income as he earned during the years that we were married, as noted on Plaintiff\_\_\_\_s Exhibit #3 and #4. I also believe that Defendant may be under-reporting his income to this court.

22.               I believe that Defendant may be voluntarily depressing his income in bad faith and ask that the court impute him to making $\_\_\_\_\_\_\_\_\_ in gross income.

23.               On the Defendant\_\_\_\_s own Financial Affidavit, attached hereto as Plaintiff\_\_\_s Exhibit #5, he stated that he earned $\_\_\_\_\_\_\_\_\_\_ in gross income last year, although I believe this amount is significantly less than he actually earned.

24.               In Defendant\_\_\_\_\_s own Financial Affidavit, Exhibit #5, he stated that in \_\_\_\_\_\_\_\_ he had a draw of funds to himself in the amount of $\_\_\_\_\_\_\_\_. In \_\_\_\_\_\_\_\_\_, Defendant had a draw of funds to himself in the amount of $\_\_\_\_\_\_\_\_. In \_\_\_\_\_\_\_\_\_, Defendant had a draw of funds to himself in the amount of $\_\_\_\_\_\_\_\_\_\_.

25.               Defendant\_\_\_\_\_s own affidavit shows that a number of his personal expenses are paid from the business which he operates, which he labels in his affidavit as \_\_\_\_\_PLLC.\_\_\_\_\_ For example, his automobile payment, automobile insurance, gasoline, and auto repair are all paid by his law firm. These expenses should be added back in to his overall net, disposable income.

26.               Prior to the date of separation, in approximately \_\_\_\_\_\_\_\_\_\_, Defendant stopped placing funds in our account for payment of expenses. This was supposedly because he was going to receive a large settlement, which I have never seen any funds from. We accumulated a number of debts during this time while he had constructively abandoned me and the minor children.

27.               After the date of separation, my husband and I sold land that we called the farm land. The proceeds from the sale came to me in the total amount of $\_\_\_\_\_\_\_\_. Out of these funds the following things were paid:

a.       Past due mortgage owed at the time in the amount of $\_\_\_\_\_\_\_\_;

b.       Past due line of credit owed at the time in the amount of $\_\_\_\_\_\_\_

c.       Past due household expenses from \_\_\_\_\_\_\_\_\_\_ through \_\_\_\_\_\_\_, which we accumulated on credit cards, with utility providers, etc., in the approximate amount of $\_\_\_\_\_\_\_\_\_\_\_\_;

d.       We paid \_\_\_\_\_\_\_\_ \_\_\_\_\_s tuition in the amount of $\_\_\_\_\_\_\_\_\_\_\_;

e.       I paid medical bills for the minor children and myself which accumulated due to the insurance being cancelled and I was not informed of the same by Defendant in the total amount of $\_\_\_\_\_\_\_\_\_\_\_; and,

f.        I paid $\_\_\_\_\_\_\_\_\_\_ negative bank balance from where Defendant had written checks when there were insufficient funds in the bank for the same.

28.               With the remaining funds from the farm land sale, I and my children lived off of these funds in order to meet our monthly needs as shown on my financial affidavit, until that source of funds was supplemented with my income and the child support from Defendant that began to trickle in slowly in \_\_\_\_\_\_\_\_\_.

29.               After the payment of the March bills from said account, there will be approximately $\_\_\_\_\_\_\_\_ remaining from the farm land sale funds.

30.               My estimated monthly regular recurring expenses are $\_\_\_\_\_\_\_\_\_, as noted on my financial affidavit in Plaintiff\_\_\_\_\_s Exhibit #3. In preparing my financial affidavit, I looked through and averaged my prior expenses to come up with the amount of each expense.

31.               My estimated monthly individual expenses, not including the children, comes to $\_\_\_\_\_\_\_\_ as noted on my financial affidavit in Plaintiff\_\_\_\_\_\_s Exhibit #2. In determining these expenses, I looked through my prior expenses and estimated my future expenses. Since I obtained new amounts of insurance and income recently, I was forced to update my financial affidavit.

32.               Currently my net income is $\_\_\_\_\_\_\_\_, plus $\_\_\_\_\_\_\_\_ per month in child \_\_\_\_\_\_\_\_\_\_ per month after paying my reasonable expenses as listed in my financial affidavit, not including my children\_\_\_\_\_\_s expenses.

33.               I have paid attorneys fees in the amount of $\_\_\_\_\_\_\_\_ to \_\_\_\_\_\_\_ Law Firm since \_\_\_\_\_\_\_\_\_\_, with approximately at least $\_\_\_\_\_\_\_\_\_ of that amount for the determination of child support and post separation support, without the time at a trial of this matter.

34.               I could not create this affidavit sooner, as I had no income information from the Defendant despite his ongoing obligation to provide the same to my attorney\_\_\_\_s attention, until the date of, \_\_\_\_\_\_\_\_, when he finally provided some of his initial disclosures.

35.               I believe that Defendant has the ability to pay both child support and post separation support in sufficient quantities to meet my and our minor child\_\_\_\_\_\_s reasonable needs.