|  |  |  |
| --- | --- | --- |
| NORTH CAROLINA |   | GENERAL COURT OF JUSTICE |
| \_\_\_\_\_ COUNTY |   | DISTRICT COURT DIVISION |
|   |   | \_\_\_\_\_\_\_\_ |
|   |   |   |
| \_\_\_\_\_\_\_\_\_\_ | ) |   |
|   | ) |  |
|                                       PLAINTIFF, | ) | **ANSWER & COUNTERCLAIM FOR DIVISION OF RETIREMENT ACCOUNT** |
|   | ) | **(ANSW)** |
|                                      v. | ) |  |
|   | ) |   |
| , | ) |   |
|   | ) |   |
|                                       DEFENDANT. | ) |   |

**Defendant, by and through counsel, answers each and every correspondingly numbered allegation of Plaintiff\_\_\_\_\_s Complaint as follows:**

**1.         Admitted**

**2.         Admitted**

**3.**                  **Admitted**

4.                  Admitted

a.      Admitted

b.      Admitted

c.       Admitted

d.      Admitted

5.                  Admitted

6.                  Admitted

7.                  Admitted

8.                  Admitted

Defendant, having answered each and every allegation of Plaintiff\_\_\_\_\_s Complaint, now sets forth the following Counterclaim.

JURISDICTIONAL ALLEGATIONS

**1.         That the Defendant is a citizen and resident of \_\_\_\_County, North Carolina; that the Defendant has been a resident of \_\_\_\_\_\_County, North Carolina, for at least six months preceding the commencement of this action.**

**2.         That the Plaintiff is a citizen and resident of \_\_\_\_\_\_\_\_County, North Carolina.**

**3.         That the Plaintiff and the Defendant were lawfully married to each other on \_\_\_\_and lived together as husband and wife until \_\_\_\_\_\_\_when they separated.**

                                                            CLAIM FOR RELIEF

EQUITABLE DISTRIBUTION OF PLAINTIFFâ€™S RETIREMENT BENEFITS

**1.         That the Defendant realleges and incorporates herein by reference all of the allegations contained in the Jurisdictional Allegations as if fully set forth herein.**

**2.         That, during the course of the marriage, the parties have acquired certain property which qualifies as "marital property" as defined by N.C.G.S. 50-20 et seq.**

            3.         That the parties have, subsequent to their separation, signed a Separation Agreement and Property Settlement (hereinafter "Agreement") executed on \_\_\_\_\_

**4.         That the parties agreed pursuant to said Agreement to transfer to the Defendant, $\_\_\_\_\_\_\_of Plaintiff's Merrill Lynch IRA #\_\_\_\_\_\_\_.**

**5.         That the distribution of said retirement plan(s) as called for in the parties\_\_\_\_ \_\_\_\_\_\_\_Separation Agreement and Property Settlement would be fair and equitable in this case, as also stipulated to by the parties.**

WHEREFORE, the Defendant prays for the following Relief:

**1.         For an order or orders transferring and distributing the Defendant\_\_\_\_\_\_s interest in Plaintiff\_\_\_\_\_s Marrill lynch IRA #\_\_\_\_\_\_\_\_ in accordance with the parties' Separation Agreement and Property Settlement; and**

**2.         Any other and further relief that the Court deem proper**

            This the \_\_\_\_\_ day of\_\_\_\_\_\_\_

                                                                                    \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                                                                                    Attorneys for Defendant

                                                                                    Attorney Address

STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_\_\_\_

VERIFICATION

           \_\_\_\_\_\_\_\_, being first duly sworn, does depose and say that she is the Defendant in the above-entitled action; that she has read the foregoing document and knows the contents thereof; that the same is true of her own knowledge, except to those matters and things stated upon information and belief, and as to those she believes them to be true.

            This the \_\_\_\_\_\_ day of\_\_\_\_\_\_\_.

                                                \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                                                \_\_\_\_\_\_\_\_

Sworn to and subscribed before me

this the \_\_\_\_\_\_\_ day of\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Notary Public

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_