NORTH CAROLINAIN THE GENERAL COURT OF JUSTICE

                                                                                                DISTRICT COURT DIVISION

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COUNTY                        File No.\_\_\_\_- CVD-\_\_\_\_\_\_\_

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

                                                            )

            Plaintiff,                                  )

                                                            )

            vs.                                           )                                   **PRETRIAL ORDER**

                                                            )

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

                                                            )

            Defendant.                             )

THIS MATTER COMING ON TO BE HEARD upon pretrial conference before the undersigned Judge upon pleadings seeking a valuation determination of marital and divisible property and an equitable distribution of such property as shall be determined to be marital or divisible;

            AND IT APPEARING that the parties have reached agreement on certain facts and on certain issues and have delineated the areas of agreement and disagreement;

            AND IT APPEARING that by their signatures affixed hereto, each party stipulates that he or she agrees with the facts and issues classified as agreed upon and stipulates that the facts and issues classified as being in dispute are accurately reflected and that there are no other issues to be determined by the Court;

            AND IT FURTHER APPEARING that each party by signing this Pretrial Order warrants and avows that he or she has disclosed the existence of all property, both separate, marital and divisible, to which he or she may have claim at the date of valuation of marital property, regardless of to whom such property may be titled or in whom actual ownership may be designated.  Said disclosure has been full and honest and is free from taint of fraud;

            IT IS THEREFORE ORDERED, ADJUDGED AND DECREED and stipulated as follows:

            1.         This Court has jurisdiction over the parties and the subject matter of this action.

            2.         Plaintiff and Defendant were married on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_..

            3.         \_\_\_\_\_\_\_ child/children was/were born to the Plaintiff and Defendant, namely: (name                             & DOB).

            4.         The Plaintiff and Defendant separated on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

            5.         The date of valuation is (DOS)

            6.         An equal division is an equitable division.  [THIS STATEMENT SHOULD BE ELIMINATED IF NOT AGREED UPON.  IT CREATES LIMITS ON EVIDENCE, See Christensen v. Christensen, 107 N.C. App. 431, 420 S.E.2d 469 (1992).].

            7.         Schedule A attached hereto is a list of martial property upon which there is agreement between Plaintiff and Defendant as to value and distribution, and Schedule a attached hereto is a list of divisible property upon which there is agreement between Plaintiff and Defendant as to value and distribution.

            8.         Schedule B attached hereto is a list of marital property upon which there is agreement as to distribution and disagreement as to value, and Schedule b attached hereto is a list of divisible property upon which there is agreement as to distribution and disagreement as to value.

            9.         Schedule C attached hereto is a list of marital property upon which there is agreement as to value and disagreement as to distribution, and Schedule c attached hereto is a list of divisible property upon which there is agreement as to value and disagreement as to distribution.

            10.       Schedule D attached hereto is a list of marital property upon which there is disagreement as to distribution and disagreement as to value, and Schedule D attached hereto is a list of divisible property upon which there is disagreement as to distribution and disagreement as to value.

            11.       Schedule E is a list of items about which there is disagreement as to whether the item is marital property, and Schedule e is a list of items about which there is disagreement as to whether the item is divisible property.

            12.       Schedule F is a list of plaintiff's contentions why equal division is not an equitable division.  [USE ONLY IF PLAINTIFF IN THIS ACTION DOES NOT SEEK AN EQUAL DIVISION].

            13.       Schedule G attached hereto is a list of defendant's contentions why equal division is not an equitable division.  [USE ONLY IF DEFENDANT IN THIS ACTION DOES NOT SEEK AN EQUAL DIVISION].

            14.       Schedule H attached hereto is a list of marital debts of the parties showing the present amount due and any amount paid by the parties since their separation, and Schedule h attached hereto is a list of divisible debts of the parties showing the present amount due and any amount paid by the parties since their separation.

            15.       Schedule I is a list of separate property presently owned by the parties and the net value of each such item.

            16.       Plaintiff and Defendant have added any additional schedules needed to state any other issues to be decided by the Court, and these additional schedules are labeled Schedules                   .

            17.       The issues to be decided by the presiding judge are:

                        a.         What are the values of the items listed on Schedules  B and b?

b.         Which parties shall be the owners of the items listed on Schedules C and c?

                        c.         What is the value of and which parties shall be the owners of the items listed on Schedules D and d?

d.         Are the items on Schedule E marital property, and if so, what are their values?

                        e.         What division of the marital property is equitable?

                        f.          The issues raised on supplemental schedules attached hereto as Schedules \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, etc.

            THIS the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 200\_\_.

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

                                                                        DISTRICT COURT JUDGE PRESIDING

CONSENTED TO:

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

Plaintiff

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

, Attorney for Plaintiff

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

Defendant

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

, Attorney for Defendant

SCHEDULE A - Marital Property

AGREE ON VALUE AND DISTRIBUTION

| **ITEM OF MARITAL PROPERTY** | **NET VALUE** | **POSSESSION**  **P / D** | **TO BE**  **PLAINTIFF'S** | **TO BE**  **DEFENÂ­DANT'S** |
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SCHEDULE a - Divisible Property

AGREE ON VALUE AND DISTRIBUTION

| **ITEM OF MARITAL PROPERTY** | **NET**  **VALUE** | **POSSESSION**  **P / D** | **TO BE**  **PLAINTIFF'S** | **TO BE**  **DEFENDANT'S** |
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SCHEDULE B - Marital Property

AGREE AS TO DISTRIBUTION

DISAGREE AS TO VALUE

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| **ITEM OF MARITAL PROPERTY** | **PLAINTIFF NET VALUE** | **DEFENDANT NET VALUE** | **DISTRIBUTION P / D** | **POSSESSION**  **P / D** | **COURT**  **VALUE** |
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SCHEDULE b - Divisible Property

AGREE AS TO DISTRIBUTION

DISAGREE AS TO VALUE

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| **ITEM OF MARITAL PROPERTY** | **PLAINTIFF NET**  **VALUE** | **DEFENDANT**  **NET VALUE** | **DISTRIBUTION**  **P / D** | **POSSESSION**  **P / D** | **COURT**  **VALUE** |
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SCHEDULE C - Marital Property

AGREE AS TO VALUE

DISAGREE AS TO DISTRIBUTION

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| **ITEM OF MARITAL PROPERTY** | **NET VALUE** | **POSS.**  **P / D** | **PLAINTIFF'S**  **PROPOSED**  **DISTRIBUTION** | **DEFENDANT'S**  **PROPOSED**  **DISTRIBUTION** | **COURT - TO PLAINTIFF** | **COURT - TO DEFENDANT** |
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SCHEDULE c - Divisible Property

AGREE AS TO VALUE

DISAGREE AS TO DISTRIBUTION

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| **ITEM OF MARITAL PROPERTY** | **NET VALUE** | **POSS.**  **P / D** | **PLAINTIFF'S**  **PROPOSED**  **DISTRIBUTION** | **DEFENDANT'S**  **PROPOSED**  **DISTRIBUTION** | **COURT - TO PLAINTIFF** | **COURT - TO DEFENDANT** |
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SCHEDULE D - Marital Property

DISAGREE AS TO VALUE

DISAGREE AS TO DISTRIBUTION

| **ITEM OF MARITAL PROPERTY** | **PLAINTIFF NET VALUE** | **DEFENDANT**  **NET VALUE** | **POSS.**  **P / D** | **PROPOSED**  **DISTRIBUTION**  **P / D** | **COURT - NET VALUE** | **COURT - DISTRIBUTION P / D** |
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SCHEDULE d - Divisible Property

DISAGREE AS TO VALUE

DISAGREE AS TO DISTRIBUTION

| **ITEM OF MARITAL PROPERTY** | **PLAINTIFF NET**  **VALUE** | **DEFENDANT**  **NET VALUE** | **POSS.**  **P / D** | **PROPOSED**  **DISTRIBUTION**  **P / D** | **COURT - NET VALUE** | **COURT - DISTRIBUTION P / D** |
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SCHEDULE E

DISAGREE AS TO WHETHER ITEM IS MARITAL PROPERTY

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| **ITEM OF PROPERTY** | **DOS VALUE** | **CURRENT VALUE** | **POSSESSION** |
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SCHEDULE F

PLAINTIFF'S CONTENTIONS FOR UNEQUAL DISTRIBUTION

SCHEDULE G

DEFENDANT'S CONTENTIONS FOR AN UNEQUAL DISTRIBUTION

SCHEDULE H

MARITAL DEBTS AND DIVISIBLE DEBTS

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| **CREDITOR** | **P**  **BALANCE** | **D**  **BALANCE** | **CURRENT MARITAL BALANCE** | **CURRENT BALANCE** | **AMOUNT PAID BY P SINCE DOS** | **AMOUNT PAID BY D SINCE DOS** |
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SCHEDULE I

SEPARATE PROPERTY AND VALUES

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| **ITEM OF PROPERTY** | **OWNERSHIP** | **DOS VALUE** | **CURRENT VALUE** |
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