

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

2

HOUSE BILL 937
Second Edition Engrossed 5/12/93

Short Title: Equitable Distribution Inventory.

(Public)

Sponsors: Representatives Hackney; Bowman and Flaherty.

Referred to: Judiciary I.

April 14, 1993

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE PARTIES TO A CLAIM FOR EQUITABLE
DISTRIBUTION TO EXCHANGE AN INVENTORY AFFIDAVIT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 50-21 reads as rewritten:

"§ 50-21. Procedures in actions for equitable distribution of property.

(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, 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 asserting 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 section shall be subject to amendment, and shall not be binding at trial as to completeness or value. During the pendency of any such the action for equitable distribution, discovery may proceed, and the court may 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.

1 A judgment for an equitable distribution shall not be entered prior to entry of a
2 decree of absolute divorce, except for a consent judgment, which may be entered at any
3 time during the pendency of the action, or except if the parties have been separated for
4 at least six months and they consent, in a pleading or other writing filed with the court,
5 to an equitable distribution trial prior to the entry of the decree for absolute divorce.

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

10 (b) For purposes of equitable distribution, marital property shall be valued as of
11 the date of the separation of the parties.

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

14 Sec. 2. This act becomes effective October 1, 1993, and applies to actions
15 filed on or after that date.