

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1995**

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**HOUSE BILL 273**

Short Title: No Divorce Until ED.

(Public)

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Sponsors: Representatives Hackney, Alexander, Braswell, Decker, Easterling, McAllister; Bowie, Boyd-McIntyre, Earle, Gardner, Hurley, Luebke, Russell, and Wood.

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Referred to: Judiciary II.

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February 23, 1995

**A BILL TO BE ENTITLED**

**AN ACT TO REQUIRE THAT CLAIMS FOR EQUITABLE DISTRIBUTION BE  
RESOLVED BEFORE A DIVORCE MAY BE GRANTED.**

The General Assembly of North Carolina enacts:

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

"(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 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. During the pendency of the action for equitable distribution, discovery

1 may proceed, and the court may enter temporary orders as appropriate and necessary for  
2 the purpose of preventing the disappearance, waste, or destruction of marital or separate  
3 property or to secure the possession thereof.

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

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

15 Sec. 2. This act becomes effective October 1, 1995, and applies to actions filed  
16 on or after that date.