



— CLIENT CHECKLIST • ALIMONY • NORTH CAROLINA

The Alimony Negotiation *Document Checklist*

Every document you need to protect your standard of living — and to prove what you were told before you signed.

PREPARED BY

Melissa Jean Bradnick

JUNIOR ASSOCIATE ATTORNEY • CAPE FEAR FAMILY LAW

*Serving Franklin, Granville, and Wake Counties — Youngsville,
Louisburg, Franklinton, Lake Royale, Creedmoor, Butner, Stem,
and Oxford.*

BEFORE YOU BEGIN

Two jobs, one stack of paper.

If someone has handed you a premarital or separation agreement, these are the documents that show what you were — and were not — told before you signed.

If you are heading into an alimony negotiation, these are the same documents that build the record of the life you actually lived.

You are gathering one set of paper. It does both jobs. Start today, before anyone asks you for it.

START HERE

How to Use This Checklist

Nobody gathers this in one sitting. That is not the goal. The goal is that when the conversation happens — and it may happen with no warning — you are not starting from zero.

WORK IN THIS ORDER

SECTION 1

First. If an agreement exists, get a complete copy before you do anything else.

SECTIONS 2-4

Next. These are the money documents, and they are the ones that quietly disappear once accounts get closed or passwords get changed.

SECTIONS 5-6

The ones almost nobody does. They are also the ones that decide what your negotiation is actually worth.

SECTION 7

A date. Write it down and stop guessing about it.

**WHERE YOU KEEP IT MATTERS MORE THAN YOU THINK**

Store copies somewhere only you control — a personal email address, a cloud folder under your own login, a folder at a relative's house. Not the shared family drive. Not the joint account's document vault.

Photograph paper statements with your phone rather than removing originals from the house.

Date-stamp what you collect. A document you cannot date is a document you may not be able to use.

WHY THIS EXISTS

A Note on Why This Checklist Matters

North Carolina does not calculate alimony with a formula. A judge decides the amount, the duration, and the manner of payment by weighing sixteen statutory factors — and the statute directs the court to make a specific finding of fact on each of those factors if evidence is offered on it. [N.C. Gen. Stat. § 50-16.3A\(b\), \(c\)](#)

*Read that last part again. Evidence offered becomes a finding.
No evidence offered becomes nothing at all.*

THIS CHECKLIST IS A LIST OF EVIDENCE.

OI

SECTION 1

The Agreement Itself

Do this first. If a premarital, postnuptial, or separation agreement exists, everything else in your case runs through it.

GET THE COMPLETE DOCUMENT

☐ The signed agreement — every page, front and back.

☐ Every exhibit, schedule, and attachment referenced in it.

An agreement without its financial schedules is half a document.

☐ Any earlier draft you were sent, with the dates you received them.

☐ Emails or texts transmitting the drafts — these establish how much time you had.

☐ Any amendment or revocation signed after the marriage.

In North Carolina, an agreement can only be amended or revoked by a later written agreement signed by both parties.

N.C. Gen. Stat. § 52B-6

THE DISCLOSURE PACKAGE YOU WERE GIVEN

This is the part that decides whether a challenge is even possible. North Carolina will set aside a premarital agreement only if you did not sign it voluntarily, or if the agreement was unconscionable when signed **AND** you were not given fair and reasonable disclosure, did not waive disclosure in writing, and could not reasonably have known what the other person owned and owed. **N.C. Gen. Stat. § 52B-7(a)** All three parts of that second door, not one of them.

☐ The financial disclosure schedule attached to the agreement, if there was one.

☐ Any list of assets and debts you were shown before signing.

☐ Any written waiver of disclosure you signed.

Find out whether you signed one. Many people have.

☐ Notes, texts, or emails about what you were told the other person owned or earned.

☐ The name of the attorney who drafted it, and whether you had your own.



IF YOU CANNOT FIND A COPY OF YOUR OWN AGREEMENT

Ask for it in writing and keep the request. A request that goes unanswered is itself a fact.

Do not assume no copy means no agreement. Agreements get produced later, and they get enforced.

02

SECTION 2

Income

Collect these for both spouses. Where you cannot get the other side's, note what you know and where you know it from.

EMPLOYMENT INCOME

- ☐ Federal and state tax returns, last three years, with every schedule and W-2 or 1099.
- ☐ Pay stubs — the most recent three months, plus one from December of each of the last two years.
December stubs carry year-to-date totals, bonuses, and deductions in one page.
- ☐ Bonus, commission, and incentive plan documents.
- ☐ Employment contract or offer letter, including severance terms.
- ☐ Employee benefit summary: health insurance cost, employer contributions, car allowance, phone, tuition, stock.

SELF-EMPLOYMENT AND BUSINESS INCOME

- ☐ Business tax returns, last three years, including K-1s.
- ☐ Profit and loss statements and balance sheets.
- ☐ Business bank and credit card statements, last twelve months.
- ☐ Any list of expenses the business pays that the household actually uses.
Vehicles, travel, meals, phones, memberships. This is often where the real income is.

OTHER INCOME

- ☐ Rental income and lease agreements.
- ☐ Investment income, dividend, and interest statements.
- ☐ Trust distributions, inheritances received, and settlement payments.
- ☐ Social Security, disability, VA, or retirement benefit statements.
- ☐ Gifts or regular financial help from family, and how often it arrives.

03

SECTION 3

Assets

- ☐ Bank and credit union statements, last twelve months, every account.
- ☐ Investment and brokerage account statements.
- ☐ Retirement accounts: 401(k), 403(b), IRA, pension, TSP, deferred compensation.
Frequently the largest asset in the marriage and the one most often left off a disclosure schedule.
- ☐ Deeds, mortgage statements, and tax valuations for every property.
- ☐ Vehicle titles and loan balances — cars, boats, trailers, campers.
- ☐ Life insurance policies: type, death benefit, cash value, current beneficiary.
- ☐ Business ownership documents, ownership percentage, and any existing valuation.
- ☐ Stock options, RSUs, and vesting schedules.
- ☐ Jewelry, collections, firearms, equipment, and anything else appraised or insured separately.
- ☐ A written inventory of what each of you brought into the marriage.
This is a statutory alimony factor on its own. [N.C. Gen. Stat. § 50-16.3A\(b\)\(11\)](#)

04

SECTION 4

Debts

Debt gets skipped because it is unpleasant. It is also half of the picture a court looks at, and North Carolina asks specifically about the relative debt service requirements of each spouse.

- ☐ Mortgage and home equity statements.
- ☐ Credit card statements, last twelve months, every card in either name.
- ☐ Student loans — balances, servicer, and whose name they are in.
- ☐ Auto loans and leases.
- ☐ Personal loans, family loans, and anything with a payment plan.
- ☐ Business debt and any personal guarantee either of you signed.
- ☐ Tax obligations, including any installment agreement with the IRS or NCDOR.
- ☐ Medical debt and collections.
- ☐ Your own credit report, pulled and dated.

Pull it now. Find out what is in your name before someone else tells you.

05

SECTION 5

Standard of Living

This is the section almost nobody completes, and it is the one that moves the number. The standard of living the two of you established during the marriage is an express statutory factor. [N.C. Gen. Stat. § 50-16.3A\(b\)\(8\)](#) But a judge cannot find a standard of living from a feeling about it. A judge finds it from documents.



HOW TO FILL THIS IN

Fill in the monthly figure and, next to it, name the document that proves it. **If you cannot name a document, that line is not yet evidence.**

CATEGORY	MONTHLY AMOUNT	DOCUMENT THAT PROVES IT
Housing — mortgage or rent	\$	
Property taxes and insurance	\$	
Utilities, internet, phone	\$	
Groceries and household	\$	
Dining out	\$	
Vehicles — payments, gas, upkeep	\$	
Health insurance and medical	\$	
Childcare and after-school	\$	
Children's activities, sports, lessons	\$	
Tuition, tutoring, camps	\$	
Clothing and personal care	\$	
Fitness, clubs, memberships	\$	
Travel and vacations (annual ÷ 12)	\$	
Gifts, holidays, celebrations	\$	
Pets	\$	
Savings and retirement contributions	\$	
Debt payments	\$	
Other	\$	
Total Monthly	\$	



TWO HABITS THAT MAKE THIS SECTION WORTH MORE THAN EVERYTHING ELSE YOU COLLECT

Pull twelve months of bank and card statements and highlight the recurring lines. That is your standard of living, already documented, already dated — you just have to go get it.

Photograph the house, the vehicles, and the vacations you have already taken. Photos with dates are evidence of how you lived, and they are the first thing people wish they had kept.

06

SECTION 6

The Contribution Record

North Carolina counts what you contributed as a homemaker, and it counts what you gave up in earning power because you were the one raising the children. Those are two separate statutory factors, and they sit right alongside the factor for what you contributed to your spouse's education, training, or increased earning power. [N.C. Gen. Stat. § 50-16.3A\(b\)\(6\), \(7\), \(12\)](#)

Almost nobody documents this. Write it down while you remember it.

CAREER DECISIONS YOU MADE FOR THE HOUSEHOLD

- ☐ Jobs you turned down, left, or scaled back — with the year and the reason.
- ☐ Promotions you did not pursue, and why.
- ☐ Relocations you made for your spouse's job, with dates.
- ☐ Education or licensing you paused, and what completing it would have paid.
- ☐ Any written record: resignation letters, emails to a manager, texts about the decision.

WHAT YOU CONTRIBUTED TO THEIR EARNING POWER

- ☐ Tuition, exam fees, or training you paid for or supported them through.
- ☐ Years you carried the household income while they built a business or finished school.
- ☐ Unpaid work in their business — books, scheduling, client management, the phone.

WHAT THE CAREGIVING ACTUALLY WAS

- ☐ School and activity calendars, sign-up sheets, and volunteer records.
- ☐ Medical and dental appointments you scheduled and attended.
- ☐ Who handled sick days, school closures, and summers — and what that cost you at work.
- ☐ Care you provided to a parent or in-law during the marriage.

Write these as short dated entries, not as a narrative.

✓ **"2019 — declined regional manager role, would have required Charlotte relocation, base was \$18,000 higher" is evidence.**

✗ **"I gave up my career" is a sentence a judge cannot make a finding on.**

07

SECTION 7

The Date of Separation

In North Carolina, the date of separation anchors nearly everything: when property is valued, when the one-year clock for absolute divorce starts, and the window in which pre-separation conduct is measured.

Guessing at it later is expensive.

WHAT TO RECORD	YOUR ENTRY
Date you began living in separate residences	
Who moved, and to where	
Documents that fix the date (lease, utility start, change of address)	
Date of marriage	
Date the agreement was signed, if there is one	
County where you live	

08

SECTION 8

How Your Documents Map Onto North Carolina Law

A court weighs sixteen factors under [N.C. Gen. Stat. § 50-16.3A\(b\)](#). Here is where the paper you just gathered lands.

STATUTORY FACTOR	WHAT PROVES IT
Relative earnings and earning capacities • income and its sources (2), (4)	Tax returns, pay stubs, benefit summaries, business returns, K-1s, rental and investment statements. SECTION 2
Duration of the marriage (5)	Marriage certificate and the date of separation record. SECTION 7
Contribution to the other spouse's education, training, or earning power (6)	Tuition and exam payments, dated notes on years you carried the household, records of unpaid work in their business. SECTION 6
Effect on earning power of being the custodian of a minor child (7)	Dated entries on roles declined and hours reduced, school and activity calendars, childcare invoices. SECTION 6
Standard of living established during the marriage (8)	Twelve months of statements, the monthly worksheet, dated photographs. SECTION 5
Relative education and time needed to retrain (9)	Transcripts, licenses and their status, cost and length of the program you would need. SECTION 6
Relative assets, liabilities, and debt service (10)	Account statements, deeds, retirement statements, loan balances, credit report. SECTIONS 3 AND 4
Property brought to the marriage (11)	Your written inventory, pre-marriage statements, deeds and titles predating the marriage. SECTION 3
Contribution as homemaker (12)	The dated contribution record. This factor is almost never documented, and it is worth documenting. SECTION 6
Relative needs of the spouses • tax ramifications (13), (14)	The monthly worksheet, insurance costs, medical expenses, and your most recent return. SECTIONS 4 AND 5

09

SECTION 9

Three Things Worth Knowing Before You Negotiate

1

A support waiver in a premarital agreement is usually one sentence

It is often near the end and written in language that sounds procedural. Find it. Read it twice. If your agreement contains one, North Carolina will generally enforce it, and the only statutory safety net is narrow: if the waiver would leave a dependent spouse eligible for public assistance at separation or divorce, a court may order support only to the limited extent needed to avoid that eligibility.

N.C. Gen. Stat. § 52B-7(b) That provision keeps people off public assistance. **It does not restore your standard of living.**

2

Marital misconduct is not a side issue in North Carolina

North Carolina is one of the few states where conduct controls eligibility rather than just influencing the amount. If the court finds the dependent spouse participated in illicit sexual behavior during the marriage and before or on the date of separation, the court shall not award alimony. If it finds the supporting spouse did, the court shall order alimony paid. If both did, it is left to the court's discretion. Conduct that was condoned by the other spouse is not considered. **N.C. Gen. Stat. § 50-16.3A(a)** **Tell your attorney everything on this subject at the first meeting, including the parts you would rather not.** It is better to hear it from you.

3

Postseparation support and alimony are two different claims

Postseparation support is the shorter-term award that bridges the gap while the case is pending; alimony is the longer-term one. They are decided under different statutes and on different records.

N.C. Gen. Stat. §§ 50-16.2A, 50-16.3A Gathering documents early matters more for the first one than people expect, because it moves fast.

YOUR FIRST CONSULTATION

Bring These Six Things

If you gather nothing else, gather these. One hour with this stack is worth three without it.

- ☐ The agreement, if one exists — complete, with attachments.
- ☐ Last two years of tax returns for both spouses.
- ☐ Three most recent pay stubs for both spouses.
- ☐ A one-page list of accounts and approximate balances.
- ☐ The completed monthly worksheet from Section 5, even if some lines are estimates.
- ☐ Your dated list of questions.

Write them down. You will not remember them in the room.

CAPE FEAR FAMILY LAW

If you are about to sign one, this is the week to have someone read it.

Have a Board-Certified Family Law Specialist review your agreement.

SCHEDULE A CONSULTATION

Cape Fear Family Law — offices in Wilmington, Raleigh, Charlotte, Durham, and Jacksonville.

PLEASE READ THIS PART.

This checklist is general legal information about North Carolina law. It is not legal advice, it does not create an attorney-client relationship with Cape Fear Family Law or with any attorney at the firm, and it is not a substitute for advice about your own situation. North Carolina alimony is decided case by case and outcomes turn on the specific record in front of the court. Statutes change. If you are dealing with any of this, speak with a licensed North Carolina family law attorney about your own facts.

© 2026 Cape Fear Family Law. Prepared by Melissa Jean Bradnick, Junior Associate Attorney. All rights reserved.