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DOCUMENTS NEEDED FOR DIVORCE

1. Insurance Information

You will need medical, life, automobile, homeowners/tenant insurance information, including name of company, address, telephone number, policy number and nature of coverage.

2. Pay Stubs

The last 3 pay stubs as well as the last pay stub of the prior year are needed to determine the income for child support and alimony purposes.

3. Federal and State Tax Returns

The last year, and possibly the last 3-5 years, of these returns are generally required. They are used for additional information on income and assets; the interest and dividend schedule is useful in showing unearned income and in listing bank accounts, stocks and bonds if they generated income or losses.

4. Tax Free Assets and Non-Income Assets

Documentation on tax-free and non-income or loss producing assets is needed.

4. Case Information Statement

This is an 8-page financial statement form that is required to be completed by each party. Many people feel overwhelmed by the form, but don't worry; your mediator and/or attorney will assist you. I recommend that you estimate the budget numbers in pencil, use your pay stubs and tax return for the other pages and then, after you have completed the entire form, go back and check your records on the budget information about which you are not sure.

5. Checkbooks, Cancelled Checks, Accounting Program Reports

This information is utilized to determine the lifestyle during the marriage and a future budget. This information should be consistent with the Case Information Statement. Be sure to copy all relevant records onto a disk, including the accounting records or any listing of assets or investments.

6. Credit Card Statements

You need to have all of the credit card statements as of the date of equitable distribution, which is usually the date the Complaint for Divorce is filed in Court or the date agreed upon in mediation (usually a date near the date of the initial mediation session or the date of separate residences) so that the state of marital debt can be determined. In addition, you often need up to the last 3 years worth of credit card statements to show lifestyle, expenditures, gifts, purchases for third parties or possibly extra-marital affair(s).

7. Real Property, Including Marital Home

You will need the RESPA/HUD-1 statement showing the initial purchase costs as well as current mortgage statement(s) showing the principal balance. Most people are not realistic about the value of their homes, so it is best to get the home appraised, at least by 2 realtors (free) or by a MAI appraiser (costs about \$350-700). The appraisal should be written and should show comparable sales, including itemizing the differences in the other homes sold from yours. It is preferable to not advise the realtor about a pending divorce and for both parties to be present. You should ask the realtor to detail, preferably in writing, as to what he/she would do for you in marketing your property. If your home is eventually sold pursuant to the divorce, you will need to mutually agree on a realtor to list it and you can start to evaluate realtors through the appraisal process.

8. Brokerage House and Investment Account Statements

Statements of current and even closed accounts for at least the last 3 years are useful for several purposes, including determining the value of the accounts, source of money, how much is marital and non-marital, cash flow and possible business/employment income. The asset value may need to be determined on the date of marriage, date of separation and date of complaint. Assets that are from before the marriage may not be subject to equitable distribution, or the sharing of marriage assets.

9. Employment Benefit Statements

Employment benefits may well be one of the largest assets of the marriage and these statements are often helpful in determining these assets.

10. Safe Deposit Boxes

As soon as possible, the parties should jointly meet and inventory the contents, including coins, jewelry, cash, bonds, records etc., of any safe deposit boxes or vaults in the home. The parties should each initial and date the list, with each party getting a copy. This way things cannot disappear "mysteriously."

11. Work Sheets and Handwritten Notes

Any records that you have drafted by you or the other party should be immediately copied and given to your mediator and/or attorney. They can be invaluable in determining the true value of assets and truthfulness of the parties.

12. Other

If one of you owns a business, then the applicable business records will be needed and the business will have to be valued by a valuation expert. Even if the business consists solely of one parties' efforts, i.e. a consultant, it has a value which is subject to equitable distribution.

There may be other records needed, as applicable to your matter. The key is to gather up copies of all of the above documents as soon as possible and get them to your mediator and/or attorney. To the extent that you do not get the needed information on a timely basis, your attorney and/or mediator will be limited in their assistance to you.