



One Securities Centre  
3490 Piedmont Road – Suite 600  
Atlanta, Georgia 30305  
TEL (404) 460-4500  
FAX (404) 460-4501

## **DOMESTIC RELATIONS FINANCIAL AFFIDAVIT: INSTRUCTIONS FOR COMPLETION**

I am enclosing a blank Domestic Relations Financial Affidavit for you to complete. The purpose of this form is to summarize your **current** income, assets, and expenses for the court. This form is intended to be used throughout your case for settlement, at mediation, at a hearing, or at trial. If your financial situation changes during the course of your case, I will ask you to update your financial information so that we can provide your updated financial Affidavit to the court. You are required to submit this form under oath, so please be sure it is as complete and accurate as possible.

The format of this financial Affidavit has been statutorily determined. I can, however, vary the content by adding categories so long as it is substantially similar and does not omit the required information. The enclosed form is for your use as a draft.

**Sections 1 and 2** require you to provide **basic information** such as name, marital information, your children (if any), and your employment.

**Section 3** is a **summary**. You do not need to complete this section. I will calculate all of the sub-totals after we have ascertained that all of the information that you have provided is as accurate as possible.

**Section 4** relates to **your income**. It is divided into three subsections:

Subsection 4(A) requires you to itemize your gross income, from every source.

Subsection 4(B) requires you to list your benefits of employment, if any. Some of these benefits may be in a finite amount and others will not. For example, your employer may provide you with a cell phone, or your employer may pay you an extra \$45.00 per month for you to pay for such a phone. Regardless of how the benefit is provided to you, please list as much information as possible regarding this benefit.

Subsection 4(c) requires you to list your net monthly income. *Be careful!* Your net monthly income, as defined by the Court, is your gross income, minus state and federal taxes, as well as FICA. Most people have additional deductions taken from their pay, so please check very carefully to make sure that the net monthly income figure you provide does not include the deductions for health, life, or disability insurance, or parking, retirement contributions, etc.

**Section 5** requires you to itemize all *monthly expenses*.

First, keep in mind that we are talking about *monthly* figures. *A month is more than four weeks!* To convert an annual expense to a monthly expense, divide by twelve; to convert a weekly expense to a monthly expense, multiply by fifty-two and then divide by twelve; and, to convert a quarterly expense to a monthly expense, divide by three.

Expenses shown on these pages are the expenses at your residence. If you work out of your home, prepare your business expenses on a separate sheet and we will properly reflect these expenses on your Affidavit in the income portion. You may find that it is helpful to review your check register, bank statements, and credit card statements in determining your expenses. To the extent possible, please give exact figures rather than estimates. Do not round off figures. As an example, if your monthly mortgage payment is \$1,407.63, then please state that figure rather than \$1,400.00 or \$1,407.00. Also, with regard to mortgage payments, please indicate whether your insurance and property tax payments are escrowed or not.

Throughout this Affidavit, including this Section, you should attempt to be as accurate as possible. Most people have higher electric bills in the summer than in the winter — try to provide an average year round figure. Most utility companies will provide a twelve (12) month average for your residence upon request. For your convenience, I have listed the major utility companies, and their corresponding telephone numbers, to acquire such information (this list is not inclusive of all of the utility companies servicing Georgia residences):

Electric Companies:

Georgia Power	404-526-6526
Greystone	770-942-6576
Sawnee EMC	770-887-2363

Jackson EMC	770-963-6166
Walton EMC	770-972-2917
COBB EMC	770-429-2100
Marietta Power	770-794-5150
Acworth Power	770-917-8903

Gas Companies:

Catalyst Natural Gas	866-514-2545
Commerce Energy	877-226-5389
Fireside Natural Gas	678-872-0250
GasKey	678-904-0820
Gas South	866-563-8129
Georgia Natural Gas	770-850-6200
Infinite Energy Inc.	770-661-1870
MXenergy	877-677-4355
Scana	877-467-2262
Stream Energy	866-543-4642
Walton EMC Natural Gas	770-267-2505

Please remember that your expense budget should reflect your standard of living and not necessarily the amount of money you have had available for a particular expense. The budget should be completed assuming your spouse does not live with you and you should not include his or her expenses in your separate calculations.

Keep in mind that a budget is a combination of your historical spending patterns **and** an estimate of your future needs. Simply because you did not, in the past, have enough funds to pay a particular expenses does not require you to understate the appropriate amount on the budget. To some extent, your budget is a statement of how much you would spend, if funds are available, to maintain your standard of living.

You are also required to list payments to creditors. This includes student loans, car payments, monthly credit card payments, etc. List all installment loans except mortgages and other payments stated elsewhere in the budget. Do not list your credit card payments if you pay off your entire balance each month; these are theoretically included in your estimation of monthly expenses.

**Section 6** regards **your assets**. You are required to list all assets. Keep in mind that some of your assets have debt associated with them. I need to know the fair market value of the asset, as well as the debt associated with the asset. Many assets will have values that fluctuate on a daily basis (e.g., retirement accounts, stocks, etc.); in such circumstances, it is helpful if you will give a value as of a certain date, stating that specific date on the Affidavit (i.e., the value on the most recent statement).

For some of the assets listed, stating the present fair market value is not an exact science. For example, items such as furniture and collectibles (unless a recent appraisal is available or we have instructed you to obtain an appraisal) should be determined according to your best estimate of the resale value of the items, not their purchase price. In other words, it is the price at which a willing seller and a willing buyer will trade. Typically, this figure is substantially less than the purchase price of an item.

An asset will be considered the non-marital asset of you or your spouse if it was owned separately prior to this marriage, inherited, or received as a gift from someone other than your spouse. Some assets may be part marital and part non-marital, and there are specific rules which will govern what portion will be considered marital and what portion will be considered non-marital. Please provide as much information about such assets as you can so that I can properly attribute values to such mixed assets.

Value is subjective and, unless I have instructed you otherwise, you are not required to obtain appraisals or prospective sales prices from real estate agents or other appraisers. Valuing business interests is a much more difficult task, better reserved for expert witnesses.

If you have submitted a personal financial or net worth statement, or recently applied for a loan, then these documents can be a good source for values. If your opinion of the value of an asset is different than that shown on your financial statement or loan application, then make a note (for our use only) as to the reason for the difference so that I can discuss this with you.

**Other matters:**

The following documents will be helpful to me in presenting your case and refining your financial Affidavit:

- Real estate deeds and closing statements
- Personal financial statements
- Personal property inventories
- Photographs of property (house and contents)
- Property appraisals (including yearly tax assessments and notices)
- Last year's tax return
- Bank account and credit card account statements
- Current pay stub or evidence of income

Once you have prepared an informal draft of this Affidavit, I will review it in order to make sure that you have followed these instructions to make it as accurate as possible. I will then prepare a formal draft of your Affidavit for us to review. Once we have reviewed this formal draft and made any necessary revisions, you will be required to sign it before a notary public (i.e. – remember, this is a sworn statement that you are making to the court).

As always, please feel free to call or e-mail me if I can be of any assistance in helping you to complete this Affidavit.