

Darrell M. Harding **Attorney at Law, PLC**

With more than twenty years of experience we know that not every case is the same and provide each case with the personalized individual attention it deserves. Our firm is committed to providing our clients with skillful and professional representation. We provide our clients personalized attention and service. Our firm understands that family issues involving divorce and/or children can be emotionally and physically stressful. We are here to help guide you through the legal system and will take you through the process one step at a time.



Darrell M. Harding graduated with honors with a Bachelor of Science in Psychology from Brigham Young University in 1984. He also graduated at the top of his class with his Juris Doctor Degree from J. Reuben Clark Law School, Brigham Young University, in 1988. He served as Legal and Political Chairman over the Civil Law Division from 1987-1988, Negotiator Forum Vice President in 1988 and served on the Law Review. For over 23 years he has focused exclusively on family law to best serve individuals like you.

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PROPERTY DIVISION UPON DIVORCE

DID YOU KNOW:

**Not all property is subject to
division upon your divorce.**

**Read on to better
analyze your case.**



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Upon finalizing a divorce the court upon request by either party shall determine the legal title between the parties, the ownership and value of all property and shall determine which property is separate, marital or a mix of separate and marital property. You only have an interest in what property is marital or part marital.

What Is Marital Property

While the definition of marital property can be very complicated, it is generally all property titled in both parties names, all property acquired by either party during the marriage up to the date of separation (except for inheritances and personal injury awards), and any portion of a pension, profit sharing plan, deferred compensation plan or retirement plan acquired by either party from the date of marriage to the date of separation of the parties.

How is Marital Property Divided

While it is common for a court to divide marital property equally, there is no presumption for an equal division. The courts are to divide marital property after considering the following factors:

1. The contributions, monetary and nonmonetary, of each party to the well-being of the family.

Describe how this factor applies to your case as to each major item of marital property:

2. The contributions, monetary and nonmonetary, of each party in the acquisition and care and maintenance of such marital property of the parties.

Describe how this factor applies to your case as to each major item of marital property:

3. The duration of the marriage.

Describe how this factor applies to your case as to each major item of marital property:

4. The ages and physical and mental condition of the parties.

Describe how this factor applies to your case as to each major item of marital property:

5. The circumstances and factors which contributed to the dissolution of the marriage, specifically including any ground for divorce.

Describe how this factor applies to your case as to each major item of marital property:

6. How and when specific items of such marital property were acquired.

Describe how this factor applies to your case as to each major item of marital property:

7. The debts and liabilities of each spouse, the basis for such debts and liabilities, and the property which may serve as security for such debts and liabilities.

Describe how this factor applies to your case as to each major item of marital property:

8. The liquid or nonliquid character of all marital property.

Describe how this factor applies to your case as to each major item of marital property:

9. The tax consequences to each party.

Describe how this factor applies to your case as to each major item of marital property:

10. The use or expenditure of marital property by either of the parties for a nonmarital separate purpose or the dissipation of such funds, when such was done in anticipation of divorce or separation or after the last separation of the parties.

Describe how this factor applies to your case as to each major item of marital property:

11. Such other factors as the court deems necessary or appropriate to consider in order to arrive at a fair and equitable monetary award.

Describe how this factor applies to your case as to each major item of marital property:

CAUTION: The division of property incident to a divorce is one of the most complex aspects of a divorce. You are jeopardizing your future financial security if you try to represent yourself in a divorce. Hire a lawyer now.