

Equitable Distribution
Classification Practice
New Judges

1. Wife bought a house shortly before the marriage for a purchase price of \$75,000. She made a down payment of \$10,000 and financed the rest with a mortgage and deed of trust. On the date of marriage, the house still had a value of \$75,000 and a mortgage in the amount of \$65,000. After the marriage, the parties lived in the home but title remained in wife's name. Further, she made all mortgage payments with income she earned from her job as a nurse. By the date of separation, she had paid off the mortgage and the house had appreciated in value to \$150,000.

a. Classify the house.

b. Would classification be different had wife placed title to property in both husband and wife as tenants by the entirety?

c. Assume that after separation and before the date of trial, the house appreciated in value by \$25,000. Classify the appreciation.

2. Wife presented evidence of a judgment entered against both husband and wife two years prior to the date of separation which establishes a debt owed to Wall Lumber Company in the amount of \$1,500. Wife asks that the debt be classified as marital.

a. Is the debt marital?