



WHICH HALF OF THE SOFA DO YOU WANT?



Trial courts tend to guide parties away from disputes over household goods and furnishings to issues of greater importance (such as custody) or more value (such as division of the house equity and pension). Rarely does one see any detail in a court decision about household goods and furnishings.



In the case of household goods and furnishings, the court may award nonmarital items to either spouse "whether or not acquired during the marriage." Minn. Stat. Sec. 518.58, Subd. 1.

In general, there are five main questions raised by any property issue. What property does a couple own? What is each asset worth? Who should be awarded each asset? Is there a value differential between the total assets each party receives? If so, what should be done? A straightforward way to start answering these questions, when the issue is household goods and furnishings, is to inventory the items in the house, the garage, the shed and the yard; assign a value to each item; and then divide the list according to the items each party will receive.

Usually, the most effective way to resolve the division of household goods and furnishings is for the parties to agree on one or more principles for division before moving ahead to assigning particular items to each party. This strategy tends to limit the number of household items which both parties want.

Some principles to use when dividing the list of household goods and furniture between the parties are to divide:






- a. By function. Using this method, one party might receive the guest room bedroom set, the dining room furniture, and the great room sofa and computer. The other party might receive the master bedroom set, the kitchen table and chairs, and the great room loveseat, chair and stereo. Both parties might then receive one-half of the kitchenware and bathroom towels. Each party has basic furniture for his/her residence.
- b. By sentimental value. The party for whom an item has the greatest emotional value receives it. If both parties are attached to the same items, each receives the same number of sentimental items such as one party

(Continued on page 2)

Inside this issue:

<i>Which half of the Sofa Do You Want?</i>	1-2
<i>Mantras for Difficult Situations.</i>	2
<i>Search Institute.</i>	3

Checklist For The Upcoming Two Months

-  Confirm autumn break and autumn holidays parenting time schedules.
-  Obtain the school calendar and set aside time to attend school events with your children.
-  Contact your children's teacher and arrange to receive classroom information, including how to sign up for parent-teacher conferences.
-  Attend your children's parent-teacher conferences.
-  Watch for sign-ups for early winter sports and extracurricular activities.

(Continued from page 1)

receives the big painting from Aunt Cleo and the other receives the antique desk from Grandma Gladys; or both parties pay the cost of creating a duplicate of the item, if that is possible and not overly expensive. Duplication works particularly well for family photographs.

- c. By the person who uses the item the most. In some families, for example, one spouse may have a hobby of wood working and so receives all of the shop tools.
- d. If the item came into the family as a gift, by the recipient of the gift.
- e. If a party owned the item prior to marriage or acquired it after the separation, by the original owner of the item.
- f. By segregating a category of items and alternating selecting an item.
- g. By real or pretend auction of things that both people want.
- h. By sharing it in the future. For example; a couple could possibly share use of a camper.
- i. By considering it the children's property. This method can work with items that are easy to transport such as video games boxes, bikes, etc., and also with items such as a family heirloom.
- j. By selling them and splitting the sales proceeds.
- k. By donating them to charity and splitting the donation for tax purposes.

The examples b, d, and e above potentially include property which would be defined as nonmarital. "Non marital property: means an item, which

(a) is acquired as a gift ... made by a third party to one but not the other spouse.

(b) Is acquired before the marriage;

(d) is acquired after the valuation date;

(e) is excluded by a valid antinuptial agreement.

Minn. Stat. Sec. 518.54, Subd. 5. Usually nonmarital property is returned to its original owner. Household goods and furnishings are specifically excepted from the usual rule, as noted above. If the parties persist in arguing in detail about household goods and furnishings, they may wish to arbitrate the issue with an arbitrator of their own choosing. Judges may also refer this issue to arbitration pursuant to Minn. R. Gen. Prac. 114.

MANTRAS FOR DIFFICULT SITUATIONS

This could be an opportunity for me to rise to the occasion

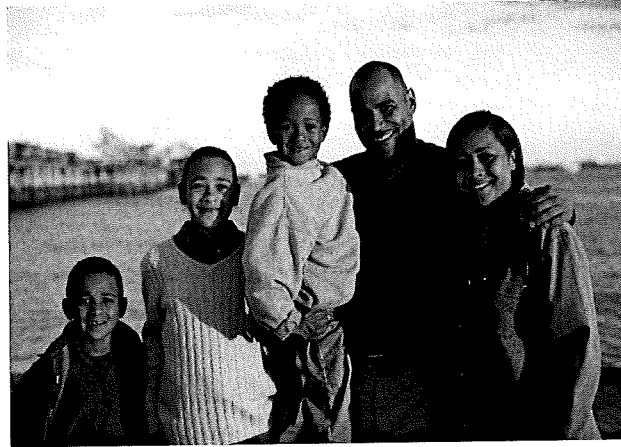
How can I work with this situation

Things might turn out okay

SEARCH INSTITUTE

The best interests of the child refer to statutory standards for determining custody in Minnesota. Minn. Stat. Sec. 518.17. They are not the only way of evaluating the factors that support a child's healthy development. Search Institute has identified 40 assets that children should have to meet their basic needs.

Search Institute is a non-profit agency promoting healthy children, teenagers and communities. It offers a wealth of information on parenting and the unique perspective that children's situations can be understood by looking at their developmental needs and building on the child's assets.



According to Search Institute, children have eight basic needs. Four of these needs are met by people and circumstances external to the child: support, empowerment, boundaries and expectations, and constructive use of their time. The remaining four are met by the child developing his/her own inner resources: commitment to learn-

ing, positive values, social competency and positive identity.

"Assets" are resources that parents and others can provide, or skills and attributes that they can teach to meet the child's basic needs. Those assets are described fully in brochures published by Search Institute such as, "40 Ways Anyone Can Build Assets" or "Your Family – Using Simple Wisdom in Raising Your Children" is another. The Institute also provides materials for children such as "commitment" cards reminding them of questions to ask to assess risky situations.

More information on Search Institute can be found at www.search-institute.org. Its mailing address and telephone number are 615 First Avenue Northeast, Suite 125, Minneapolis, MN 55413, 612-376-8955.



Peace is not an absence of war -- it is a virtue, a state of mind, a disposition for benevolence, confidence, justice.

Baruch Spinoza



Baruch Spinoza
Dutch Philosopher
1632 - 1677

DEWALT LAW OFFICE

2412-117th Street, Suite 100
Burnsville, MN 55337

Phone: 952-895-5543

Fax: 952-646-9311
www.dewaltlaw.com

Office Hours:
Monday—Friday
8:30 a.m.—5:00 p.m.

Providing attorney representation, mediation, and collaborative law services in divorces, paternity, post-decree, adoption, guardianship and other family law cases.

Family Law Ripples
2412-117th Street
Suite 100
Burnsville, MN 55337

Ripples...

the drop of one stone...

a single event transforming the lake...



Each family law matter creates ripples in the lives of the people involved in the case and in our society. This publisher believes that individuals can choose to toss the stone in a way that promotes ripples of cooperation, connection and positive values for the benefit of themselves, and the smaller and greater communities in which they live. "Family Law Ripples" is dedicated to providing practical and legal information to that end.