

# Disposition of Property Divorce Lawyer in Utah

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*How is marital property valued and distributed? How much credit will I get for my contributions to marital assets in the disposition of property in my divorce? Below are answers to these and other common questions people have about the divorce process.*



Figuring out which marital property should go to which spouse in a divorce can be a complicated, frustrating, and stressful process. It can be helpful to have a general understanding of how the Utah courts treat the disposition of property in divorce cases. Start by familiarizing yourself with the general information below to help you prepare for the division of assets in your divorce case.

## How Does The Court Determine Asset Divisions?

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In Utah, there is no required percentage of marital property that each spouse must be awarded in a divorce. The law merely requires a fair division of marital assets, i.e. in a way the court finds is equitable. The court weighs many factors in determining what is a fair division of a couple's marital assets. For example, the judge will consider:

- Individuals' assets at the start of the marriage
- Their past and current incomes
- Ages and health
- Numerous other factors

When dividing assets in the divorce, the court may award significant credit for a particular asset to the spouse who originally brought it into the marriage. In some instances, the other spouse might choose to exclude some of such assets from the marital property list.

## Process For Disposition of Property in Utah

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Under State divorce law, the parties to a divorce must declare all current marital property and an appropriate amount assessed as the value of each. All the marital assets are reviewed for valuation and disposition of property in a Utah divorce. Typical assets reviewed by the court in divorce cases include:

1. Property owned individually: Or in financial partnerships, or companies, property held in trust, etc.
  1. All physical assets
  2. All financial assets, such as:
    1. Checking and savings account
    2. Life insurance policies
    3. Bonds, stocks
    4. Cars, boats, RVs, other personal property
    5. Collectibles, jewelry, artworks, antiques
    6. Real estate investments
    7. Family business interests
    8. Pensions, 401(k) accounts, IRAs, other retirement assets
    9. Trust funds, CDs, money market accounts
    10. Patents, copyrights, trademarks, other intellectual property
    11. Increased earning potential because of academic degrees
    12. Inheritances, gifts
    13. Any other financial interests of the parties
  3. All financial liabilities of the parties
2. Contributions to Assets: After the parties provide all their information about their assets and liabilities to the court, the judge will evaluate each spouse's contributions to the marital assets, such as:
  1. Financial contributions
  2. Labor work, such as:
    1. Homemaking
    2. Parenting
    3. Home renovation
    4. Other forms of value-added
3. Additional Considerations: Factors for deciding the disposition of marital assets in a divorce can include:
  1. Each spouse's earning capacity
  2. Each person's impact on the career progress of the other
  3. Ages and health condition of each spouse
  4. Length of the marriage

## Typical Issues In Disposition of Marital Property

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Asset division is often the most contentious part of the divorce process. People often experience great emotional difficulty when faced with the tough circumstances of having their property divided. The court's priority is ensuring that the order for disposition of

marital property is fair to both parties.

Naturally, deciding how to divide some assets is more complicated than others. For example, splitting a home or a collectible artwork, etc., between the two parties, presents a very limited number of options that will be fair to both parties:

1. Have the property appraised, sell it, and split the proceeds.
2. Allow one party to assume individual ownership of the asset and compensate the other party in the amount the court finds to be fair, based on the appraised value.

Some other issues in marital asset divisions often include the percentage of distribution the court decides. Disputes over the valuation of some assets and the distribution of others can lead to conflicts that may need to be resolved.

## What Other Factors Can Affect Property Division?

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There are other influences on the outcomes of marital property dispositions in court systems. Examples include the *judge's interpretations* of the particulars of the case and the *attorneys' effectiveness* in their roles.

Utah courts have a lot of latitude in determining a fair division of assets in a divorce case. Even if the parties agree on a property division plan, the judge can decide it's not fair and alter it.

Your lawyer's experience with Utah divorce cases can affect the outcome of property divisions, among other critical court decisions. Your attorney's role includes ensuring the law is interpreted and applied accurately and that precedents set in previous similar cases are applied appropriately.

## How To Accomplish Smooth Disposition of Property

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Divorce is usually an emotionally upsetting ordeal, and the asset division is often one of the most sensitive parts of the process. Knowing your legal rights can frequently save a lot of time and avoid a lengthy, frustrating, and potentially contentious situation.

The most practical way to avoid potential issues and move the process toward the most reasonable outcome possible is to get the best divorce attorney Utah can offer you. Your lawyer will ensure that your rights are fully protected and make sure you get every dollar that legally should be yours.

**A skilled Utah property disposition lawyer utilizes the Utah courts' resources for mediation to get marital property divided in a way that is acceptable to both parties.**

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## Resolving Conflicts Over Asset Division

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Controversies that arise during the disposition of property in a majority of divorce cases can usually be successfully settled through mediation. But, some property division issues may seem too complicated to resolve without the intervention of a judge.

When discrepancies are identified, and disputes arise, your divorce attorney can help clarify and simplify the problem resolution process. Your lawyer will guide the mediation process to a fair and equitable outcome.

## **Best Divorce Attorney in Salt Lake City, UT**

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Attorney David Pedrazas has been honored as one of Salt Lake City's best divorce attorneys by multiple national academic institutions and associations of legal professionals. For over 20 years, he has helped people make the best decisions for their future and come away from their divorce with the best possible outcome. David Pedrazas and his team achieve outcomes that help people start focusing on life beyond divorce and looking forward to happier times.

**If you are facing a divorce in Utah, call the Law Office of David Pedrazas, PLLC at (801) 263-7078, or contact us online to schedule an appointment to discuss your case.**

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