

# BowTieLawyer

11/30/2012 · 8:18 AM | EDIT

## Who Gets the Stuff? Fighting over Furniture..

Who gets what is always an issue in divorce. Mississippi Courts use a concept known as *Equitable Division* means things are to be divided fairly, but not necessarily equally. Now, more often than not it is *Equitable* division. So what is stuff? For the purposes of this post, I am referring to personal property. Furniture, utensils, personal effects – Stuff!



Courtesy of random internet search.

The Court will allow the parties to agree to any division that they can mutually agree upon. Barr may also employ the “Two List Method.” One party makes 2 list of everything in the home, “equally” the other party gets to pick which complete list of items they want. The party that made the lists gets the items not picked by the other. Courts think this is a fair way to do it.

But, what if my family gave me that dinette set? The Court will take into consideration if the property is marital or not, but by and large anything acquired during the course of the marriage is marital. If the property is used, or “commingled,” by the family can lose its separate status and become a marital asset. Now mean that he is going to get Grandma’s antique China Buffet, but it does mean that a portion of the Buffet is deemed marital and there could be a set-off through other means. He could get both couches, instead of the Buffet.

Who gets the stuff? Usually it’s somewhat of a balancing act. Each party receives their own separate effects and the parties are usually able to agree as to who gets what of the Stuff.

---

Thompson Law Firm, pllc Matthew@wmtlawfirm.com (601) 850-8000

---



---

Rate this:

1 Vote

---

Share this:

- 
- 
- 
- 
- 
- 
- 
- 
-