

How is martial property divided upon divorce in Arizona?

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In most cases, Arizona courts divide community property equally between parties to a divorce, regardless of who earned it. While community property division may seem like a straightforward concept, the application of this rule is not always simple. Certain property can be considered as separate property belonging to only one spouse. For example, even in a community property state, certain property acquired during the marriage, such as gifts or inheritances, is considered separate property, and thus belongs solely to one spouse. In addition, one spouse's sole and separate property can become "comingled" with the community property, which transforms that property into community property.

Further, it is not uncommon for married spouses to use community income to pay off or improve one spouse's sole and separate property. This situation creates a community interest, known as an equitable lien, in the sole and separate property of the other spouse. These complexities within the relatively straightforward community property rule can give rise to disagreement, and even hotly contested litigation.

With the help of an Arizona family law attorney, couples may be able to avoid litigation and resolve their issues without court intervention. While property division disagreements during a divorce can involve a great deal of stress and anxiety, an Arizona divorce attorney can help spouses understand their rights to alleviate much of this burden.

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Timothy Durkin joined JacksonWhite in 2010, and quickly established himself as a highly effective family law attorney with the perfect balance of assertiveness and compassion. Tim is often complimented for his dedication to professional service, as he works closely with his clients to keep them informed, listen to their needs and involve them in the decision making process.

Tim handles all types of family law, including divorces, paternity actions, child custody, child support, relocation and jurisdiction issues, adoptions, termination of parental rights and parental severance actions, title 8 guardianships, spousal maintenance cases, division of marital property and debts, pre-nuptial agreements, post decree modifications and enforcement of custody and divorce orders, mediation services, grandparent visitation cases, and domestic violence issues. He is licensed to practice law in all Arizona State Courts, as well as the United States District Court, District of Arizona, and serves clients throughout the Phoenix metro area. To read more about what former clients are saying about hiring Tim, or to set up a free consultation, please visit www.jacksonwhitelaw.com/arizona-family-law.

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