

## Equitable Distribution

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Equitable distribution is the fancy legal name for the splitting up of the marital assets and the marital debts. Generally, any asset acquired from the date of the marriage until the earlier of the filing of a Complaint for Divorce or a Marital Settlement Agreement is subject to distribution without regard to whose name the asset is in. The standards are set forth by statute and case law.

Having said that, there are many issues involved in the equitable distribution analysis, including the determination of what assets are subject to distribution, how assets are valued depending on when they were acquired, how premarital assets are handled, depending on whether they are active or passive premarital assets, the effect of prenuptial agreements, etc., the taxation aspects, the business implications of a spouse's interest, how stock options are handled, etc. This is yet another area where our clients benefit from our family law attorneys being at the center of a cross-disciplinary team of Flaster Greenberg attorneys who provide guidance on family law related issues including corporate and business, real estate, taxation, pensions, and trusts and estates. By utilizing this team approach, we can deliver a comprehensive range of services on behalf of a client.

Allocation of liabilities is an important aspect of equitable distribution as well.

These issues and issues relating to the use of experts in the identification and evaluation of assets, and the identification of the appropriate expert will be discussed with you by your family law attorney. We have experience in working with experts in valuing medical practices, law practices, closely held business and the many components of executive compensation, including stock options and deferred compensation.

### Attorneys

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