

The Commission to Revise the Annotated Code also notes, for consideration by the General Assembly, that the "family home" may be property that is owned or leased, but that by definition, "family use personal property" is only property that is owned. The General Assembly may wish to address this discrepancy.

Defined term: "Includes" § 1-101

(E) MARITAL PROPERTY.

(1) "MARITAL PROPERTY" MEANS THE PROPERTY, HOWEVER TITLED, ACQUIRED BY 1 OR BOTH PARTIES DURING THE MARRIAGE.

(2) "MARITAL PROPERTY" DOES NOT INCLUDE PROPERTY:

- (I) ACQUIRED BEFORE THE MARRIAGE;
- (II) ACQUIRED BY INHERITANCE OR GIFT FROM A THIRD PARTY;
- (III) EXCLUDED BY VALID AGREEMENT; OR
- (IV) DIRECTLY TRACEABLE TO ANY OF THESE SOURCES.

REVISOR'S NOTE: This subsection formerly appeared as CJ § 3-6A-01(e).

In paragraph (1) of this subsection, the phrase "1 or both" is substituted for the former phrase "either or both" to conform to the language used throughout this subtitle.

The only other changes are in style.

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that although the definition of "marital property" contains an express exclusion of property that is directly traceable to the other sources excluded from the definition, the definitions of "family home" and "family use personal property" do not contain a comparable exclusion. The General Assembly may wish to consider incorporating the traceability exclusion in the definitions of "family home" and "family use personal property".

The Commission to Revise the Annotated Code also notes, for consideration by the General Assembly, that the definitions of "family home", "family use personal property", and "marital property" exclude property that was acquired before the marriage or acquired by inheritance or gift from a third party. The definitions are unclear, however, as to the status of