

property acquired jointly before the marriage, or acquired by gift to or inheritance by the parties jointly.

The Commission to Revise the Annotated Code also notes, for consideration by the General Assembly, that in the definition of "family home" the requirement as to the time of acquisition of the property is set out as an exclusion from the general definition; in the definition of "family use personal property", the time requirement appears in the general definition; and in the definition of "marital property", the time requirement appears both in the general definition and as an exclusion from the general definition. The General Assembly may wish to revise the definitions to resolve these discrepancies.

Defined term: "Includes" § 1-101

8-202. OWNERSHIP OF PERSONAL AND REAL PROPERTY.

(A) DETERMINATION OF OWNERSHIP.

(1) WHEN THE COURT GRANTS AN ANNULMENT OR A LIMITED OR ABSOLUTE DIVORCE, THE COURT MAY RESOLVE ANY DISPUTE BETWEEN THE PARTIES WITH RESPECT TO THE OWNERSHIP OF PERSONAL PROPERTY.

(2) WHEN THE COURT GRANTS AN ANNULMENT OR AN ABSOLUTE DIVORCE, THE COURT MAY RESOLVE ANY DISPUTE BETWEEN THE PARTIES WITH RESPECT TO THE OWNERSHIP OF REAL PROPERTY.

(3) THE COURT MAY NOT TRANSFER THE OWNERSHIP OF PERSONAL OR REAL PROPERTY FROM 1 PARTY TO THE OTHER.

(B) DECREE AND ORDER.

WHEN THE COURT DETERMINES THE OWNERSHIP OF PERSONAL OR REAL PROPERTY, THE COURT MAY:

(1) GRANT A DECREE THAT STATES WHAT THE OWNERSHIP INTEREST OF EACH PARTY IS; AND

(2) AS TO ANY PROPERTY OWNED BY BOTH OF THE PARTIES, ORDER A PARTITION OR A SALE INSTEAD OF PARTITION AND A DIVISION OF THE PROCEEDS.

REVISOR'S NOTE: This section is new language derived without substantive change from former CJ §§ 3-6A-03 and 3-6A-04.

In subsection (b)(2) of this section, the phrase "owned by both of the parties" is substituted for the former term "jointly owned" to include in the statute any property co-owned by the parties as opposed to property owned individually by 1 party.