

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that the Commission interprets this section broadly to include all property co-owned by the parties, as opposed to property owned individually by 1 party. Joint ownership is a technical legal concept that excludes other forms of co-ownership such as tenancy in common. The concept of joint ownership may be inapplicable to ownership of personal property. The General Assembly may wish to reaffirm the Commission's interpretation.

The Commission to Revise the Annotated Code also notes, for consideration by the General Assembly, that it is unclear whether the court has the power to grant a decree stating each party's ownership interest and to order a partition or sale instead of partition and a division of the proceeds if there is no dispute between the parties concerning the ownership of property.

#### 8-203. MARITAL PROPERTY -- DETERMINATION.

##### (A) DETERMINATION OF MARITAL PROPERTY.

IN A PROCEEDING FOR AN ANNULMENT OR AN ABSOLUTE DIVORCE, IF ~~THE--MARITAL--CHARACTER--OF--ANY--PROPERTY--IS--AT--ISSUE~~ THERE IS A DISPUTE AS TO WHETHER CERTAIN PROPERTY IS MARITAL PROPERTY, THE COURT SHALL DETERMINE WHICH PROPERTY IS MARITAL PROPERTY:

(1) WHEN THE COURT GRANTS AN ANNULMENT OR AN ABSOLUTE DIVORCE;

(2) WITHIN 90 DAYS AFTER THE COURT GRANTS AN ANNULMENT OR DIVORCE, IF THE COURT EXPRESSLY RESERVES IN THE ANNULMENT OR DIVORCE DECREE THE POWER TO MAKE THE DETERMINATION; OR

(3) AFTER THE 90-DAY PERIOD IF:

(I) THE COURT EXPRESSLY RESERVES IN THE ANNULMENT OR DIVORCE DECREE THE POWER TO MAKE THE DETERMINATION;

(II) DURING THE 90-DAY PERIOD, THE COURT EXTENDS THE TIME FOR MAKING THE DETERMINATION; AND

(III) THE PARTIES CONSENT TO THE EXTENSION.

##### (B) CONSIDERATION OF MILITARY PENSION.

IN THIS SUBTITLE, A MILITARY PENSION SHALL BE CONSIDERED IN THE SAME MANNER AS ANY OTHER PENSION OR RETIREMENT BENEFIT.

##### (C) EXCLUSION OF FAMILY HOME AND FAMILY USE PERSONAL PROPERTY.