

(1) BEFORE THE COURT GRANTS AN ANNULMENT OR A LIMITED OR ABSOLUTE DIVORCE; OR

(2) WHEN THE COURT GRANTS AN ANNULMENT OR A LIMITED OR ABSOLUTE DIVORCE.

(B) MODIFICATION.

A PRELIMINARY OR PENDENTE LITE DETERMINATION IS SUBJECT TO MODIFICATION DURING THE PENDENCY OF THE PROCEEDING.

(C) CERTAIN PROPERTY TO BE TREATED AS MARITAL PROPERTY.

IF THE COURT DETERMINES THAT THERE IS NO NEED FOR AN ORDER OR DECREE ISSUED UNDER THIS SECTION REGARDING THE FAMILY HOME OR ALL OR ANY PART OF FAMILY USE PERSONAL PROPERTY, THE PROPERTY SHALL BE TREATED AS MARITAL PROPERTY IF IT OTHERWISE WOULD HAVE BEEN TREATED AS MARITAL PROPERTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former CJ § 3-6A-06(b), (g), and the first clause of the first sentence and the entire second sentence of (d).

In subsection (a)(1) of this section, the phrase "before granting of an annulment or a limited or absolute divorce" is substituted for the former phrase "preliminary determination", for clarity.

In subsection (c) of this section, the phrase "or decree" is added for clarity.

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that it is not clear whether a "preliminary determination" is different from a "pendente lite determination".

Defined terms: "Family home" § 8-201  
 "Family use personal property" § 8-201  
 "Marital property" § 8-201

8-208. SAME -- AWARD OF POSSESSION AND USE; STANDARDS; ORDER OR DECREE; ALLOCATION OF FINANCIAL RESPONSIBILITIES.

(A) AWARD OF POSSESSION AND USE.

(1) WHEN THE COURT GRANTS AN ANNULMENT OR A LIMITED OR ABSOLUTE DIVORCE, REGARDLESS OF HOW THE FAMILY HOME OR FAMILY USE PERSONAL PROPERTY IS TITLED, OWNED, OR LEASED, THE COURT MAY:

(I) DECIDE THAT 1 OF THE PARTIES SHALL HAVE THE SOLE POSSESSION AND USE OF THAT PROPERTY; OR

(II) DIVIDE THE POSSESSION AND USE OF THE PROPERTY BETWEEN THE PARTIES.