

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that it is unclear if the standards for awarding the possession and use of the family home and family use personal property apply to both final and pendente lite awards.

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

8-209. SAME -- POWER OF COURT OVER ORDER OR DECREE.

IN A TEMPORARY OR FINAL ORDER OR DECREE, EACH PROVISION THAT CONCERNS THE FAMILY HOME OR FAMILY USE PERSONAL PROPERTY IS SUBJECT, AS THE CIRCUMSTANCES AND JUSTICE MAY REQUIRE, TO:

- (1) THE TERMS AND CONDITIONS THAT THE COURT SETS;
- (2) THE TIME LIMITS THAT THE COURT SETS, SUBJECT TO § 8-210 OF THIS SUBTITLE; AND
- (3) MODIFICATION OR DISSOLUTION BY THE COURT.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former CJ § 3-6A-06(e).

In items (1) and (2) of this section, the clause "that the court sets" is substituted for the former phrase "specified by the court", for clarity.

Also in item (2) of this section, the phrase "subject to § 8-210 of this subtitle" is new language added for clarity.

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

8-210. SAME -- TERMINATION OF ORDER OR DECREE.

(A) TIME LIMITATION.

(1) IN ANY ORDER OR DECREE, OR ANY MODIFICATION OF AN ORDER OR DECREE, A PROVISION THAT CONCERNS THE FAMILY HOME OR FAMILY USE PERSONAL PROPERTY SHALL TERMINATE NO LATER THAN 3 YEARS AFTER THE DATE ON WHICH THE COURT GRANTS AN ANNULMENT OR A LIMITED OR ABSOLUTE DIVORCE.

(2) THE 3-YEAR LIMITATION SET OUT IN PARAGRAPH (1) OF THIS SUBSECTION APPLIES TO A LIMITED DIVORCE NOTWITHSTANDING THE SUBSEQUENT GRANTING OF AN ABSOLUTE DIVORCE.

(B) REMARRIAGE OF PARTY WITH POSSESSION OR USE OF PROPERTY.