

### Community Property Instructions

The attached form is called a Sworn Detailed Descriptive List. THIS FORM IS THE SINGLE MOST IMPORTANT PART OF YOUR COMMUNITY PROPERTY SUIT. Nothing can be done addressing community property issues until this document is completed in full. It is YOUR responsibility to collect the information needed and to fill this out to the best of your knowledge, information and belief. Your ability to accurately and properly complete this document will have a large impact on the total cost of this litigation.

The form is divided into columns designated as follows:

<b>#</b>	<b><u>Property Description</u></b>	<b><u>Poss.</u></b>	<b><u>H(usband) Value</u></b>	<b><u>W(ife) Value</u></b>	<b><u>Trvrs/Cncr</u></b>
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The first column has an alphabet and a number. If there is any supporting documentation of what you write down on this table, attach it and label it to correspond to this alphabet and number. For example, if you have list Visa as a debt, attach the statement from the month of termination and label it to match where it is on this table.

The second column is labeled *AProperty Description.* In that column you must describe each item in sufficient detail that it can be easily identified and distinguished from other property. You can group items like *Amaster bedroom furniture,* or *Acomputer, monitor, & printer.* *APoss.* is the abbreviation of *Apossession* and you should put the initials of the spouse who has that item.

The third column is the most important and should have what you estimate the *Afair market value* of each item. That is *not* what you paid for it, or what it would cost to replace it, but rather what it is worth to you today. Both parties will assign a value to each item. The spouse who assigns the highest value, will receive ownership of the item, and then will owe to the other spouse 2 of the fair market value which was assigned to the asset. Therefore, be honest in your assessment and realize that this is not an exact science. If, however, the asset is a vehicle, you should get the *>blue book= value kbb.com*. Clients have also called dealerships to find out what three wheelers are worth, or gun shops to see what a rifle is worth, etc. **BE PREPARED TO SUPPORT YOUR POSITION** whenever possible by objective proof.

Your spouse=s estimate will be put in the 4th column, and the attorneys fill in the final column, which signifies whether we disagree (traverse) or agree (concur) on the value and status as community property.

The form is broken down into four major topics with subtopics:

#### I. **Community Assets**

- A. Immovable Property consist mainly of land, buildings, houses, and any other item which is significantly attached to or incorporated into the property (buried gas tank, swimming pool, etc.) Immovable property can be described by municipal address, or by the complete property description found on the papers wherein it was acquired (sale, succession, donation, etc.).
  
- B. Movable Property has a technical legal definition, but you should think of it as anything which is not an immovable, and is not a financial account. Examples include: Two (2) antique silver salt & pepper shakers, queen-sized water bed, 300 Coca-cola shares, 25 Bank One stock certificates, etc. Please provide the VIN (VIN# are found on titled items such as cars, boat trailers, mobile homes, and recreational vehicles). Whenever possible, the item should also be described by year, make and model as well.
  
- C. Financial Accounts are all funds which have been deposited at a financial institution. For each

account, YOU MUST LIST THE BANK NAME, TYPE OF ACCOUNT (Certificate of Deposit, checking, savings, etc.), ACCOUNT NUMBER, AND THE BALANCE AS OF THE DATE THE PETITION FOR DIVORCE WAS FILED.

II. **Community Liabilities**

A. The first table lists the *total* amount each party maintains was owed when the petition was filed. Put what amount was owed on the house, car, credit card, etc, and who it was owed to.

III. **Reimbursement Claims**

A. This table shows who was or is paying each, and the amount paid. This section includes home mortgages, vehicle notes, credit cards, loans, etc. If you pay the same amount each month, it helps me to have an explanation like ASept-Feb @\$354.00 per month. That way I can easily update the figures prior to trial. Some debts, like credit cards, vary each month and are not as simple.

IV. **Separate Property**

A. The fourth and final topic is **Separate Property**. You should list everything which you acquired before marriage, by inheritance, donation to you individually, was acquired with separate funds during the marriage, or was acquired after the petition for divorce was filed.

**At trial, it will be necessary to have PROOF of what was put in this document. Please provide it in an organized fashion by grouping the information according to this table!**

(Revised 08/03)