



OWENS PERKINS

#### Areas of Practice

Family Law  
Business Law  
Contract Law  
Civil Litigation  
Estate Planning  
Probate  
Guardianship  
Criminal & DUI  
Real Estate Law

#### Family Law

OWENS & PERKINS offers a full range of legal advice for all aspects of family law such as divorce, spousal maintenance, child custody, child support, domestic partnerships and paternity matters

#### Attorney Spotlight

##### C.D. Owens

Senior Partner for Owens & Perkins, C.D. has been practicing law in Scottsdale, AZ since 1967 and was first admitted to practice in 1949. Experience that you can count on!



## What Do You Do About Community, Joint and Other Property Held In Common That Was Not Disclosed In Your Divorce Or Covered In Your Decree?

In the turmoil that surrounds most divorces stuff happens. You may forget that twenty years ago during your marriage you had some contractual benefit or property right that by law and agreement survived the twenty years right up to the date of the divorce. If nobody, i.e., the lawyers, the parties or the court know anything about it at the time of the divorce and a Decree of Dissolution of Marriage was entered with nothing said about the property, what could happen?

First, of course, at some point in time (just assume ten years after the divorce), the other party discovers the undisclosed interest. The law in Arizona is set forth in Arizona Revised Statutes §25-318(D) as follows: The property “for which no provision is made in the decree shall be from the date of the decree held by the parties as tenants in common, each possessed of an undivided one-half interest.”



Now that opens other cans of worms. The best result would be to just divide it pursuant to law. But - the other party might believe that the other spouse 1) knew about it from the beginning, or 2) discovered it years later and just decided to keep it all.

Don't imagine the worst. Not all divorces involve high conflict that leave revenge and punishment as a high priority for years following the divorce. And, of course, forgetting to disclose some significant item does not, in any event, frequently occur.

The foregoing, however, should impress upon you the importance of your fully disclosing all relevant asset information for property acquired during your marriage.

If you have any questions regarding your Decree or property division, please contact us at 480.994.8824.