

## QUESTION / PART II

i. ISSUE: WHAT IS THE CHARACTER OF VALUE OF THE LAW PRACTICE?

8

RULE: PERERA ALLOWS FOR THE VALUATION OF CP & SP BASED ON THE SP USE WHO CONTRIBUT TIME & LABEL AND GROWS THE BUSINESS.

SINCE TIME & LABEL PRIOR TO MARRIAGE IS A SP AND CP AFTER MARRIAGE THE GROWTH DURING MARRIAGE WILL BE COMMUNITY PROPERTY WITH A REASONABLE RATE OF RETURN (ROR) FOR THE SP.

IMPERIATO (OR REVERUS PERERA) IS AFTER SEPARATION AND REVERSES THE GROWTH TO SP AND THE ROR TO CP

HOWEVER IF THE CAUSE OF GROWTH OR NOT IS ECONOMIC; VAN CAMP APPLIES. VAN CAMP STATES THE CP GETS REASONABLE COMPENSATION FOR TIME & LABEL & SP GETS THE GROWTH OF THE BUSINESS.

AFTER SEPARATION, REVERSES THE

CP TO GROWTH AND SP TO TIME & LABOR.

ANALYSIS: AT THE TIME OF MARRIAGE  
THE BUSINESS WAS WORTH \$10,000.

AT THE TIME OF SEPARATION THE  
BUSINESS WAS WORTH \$300,000 DUE  
TO THE LABOR & TIME OF HENRY. THIS  
IS PEREIRA & NOT VAN CAMP.

A REASONABLE ROR IS 10%

FROM AUG. 1, 1995 UNTIL JUNE 1, 2009

A TOTAL OF 14 YEARS IS \$1,000 PER

YEAR OR \$14,000 + HIS ORIGINAL \$10,000,

HENRY'S SP FOR THE PERIOD AT

DATE OF STATEMENT (DOS) IS \$24,000

AND THE CP IS \$300,000 - \$24,000 =  
\$276,000

SINCE STATEMENT THE VALUE HAS  
DECLINED BY \$200,000.

A SPURSE HAS A FIDUCIARY DUTY  
AS THE OWNER & MANAGER OF A BUSINESS  
THAT HAS A CP INTEREST TO KEEP  
THE BUSINESS RUNNING IN A MANNER  
THAT WILL NOT BE A DETRIMENT TO THE  
COMMUNITY.

HERE WE NEED TO DETERMINE WHETHER  
THE PRACTICE FOSTERED. IF IT

WAS DUE TO THE INJURY & HE WAS

NOT ABLE TO WORK VS. HIM

LETTING THE BUSINESS FAULTER.

IF IT IS LETTOWO THE BUSINESS FAULTER

THIS IS REVERSE PERICRA,

VALUES WOULD BE SP OF THE LOSS

OF \$200,000 MINUS THE CP OF HIS

TIME & LABOR.

IF THE CONDITION CAUSED BY THE

ACCIDENT IS THE REASON FOR THE

DROP - REVERSE VAN CAMP. CP WOULD BE

THE DROP IN VALUES \$200,000 MINUS THE

SP OF HIS COST OF TIME & LABOR

## QUESTION 2

2 ISSUE: THE CHARACTER, VALUE & DIST.  
OF WANDA'S WORK COMP. AWARD.

RULE: IN AN INQUIRY TO A SPURSE  
YOU LOOK AT TWO ASPECTS. IF

(4)

THERE IS A TORT, THE DATE OF  
THE INJURY IS USED, HOWEVER IF WORKMANS  
COMP. IS USED YOU LOOK AT THE CHARACTER  
OF THE AWARD.

ANALYSIS: THE AWARD IS BASED ON WAGES  
PAID TO WANDA. SHE WAS INJURED  
ON JULY 1 2008. THE AWARD WAS  
\$50 K PER YEAR FOR 10 YEARS. THE  
CHARACTER OF THE PROPORTION IS CP FROM  
JULY 1 2008 UNTIL - JUNE 1 2009  
FOR A TOTAL OF 11 MONTHS OR  
11/12<sup>TH</sup> OF \$50 K

CONCLUSION

CP = \$45,835

HED SEPENATE REPORT IS \$454,165<sup>CP</sup>

QUESTION 3

3. ISSUE: THE CHARACTER VALUE & DIST. OF  
PERS. INT. SETTLEMENT

RULE: SUPRA #2

ANALYSIS: THE DATE OF INJURY IS

WHEN THE CHARACTER OF THE PROPERTY IS

(4)

~~DETERMINED~~

DETERMINED.

CONCLUSION: THE SETTLEMENT IS ALL

CP

\$500,000 CP

How  
to ~~do~~  
distribute  
it?

## QUESTION 4

4. ISSUE: THE CHARACTER & DISTRIBUTION OF THE STRS BENEFITS.

RULE: A DEFINED BENEFIT PLAN IS DETERMINED BY THE TIME RULE,

THIS IS THE NUMBER OF YEARS WORKED AND THE NUMBER OF YEARS MARRIED

$$\frac{\text{YEARS MARRIED}}{\text{YEARS WORKED}} = \text{CP PORTION OF RETIRE PLAN}$$

ANALYSIS:

SO WANDA'S PLAN WILL BE THE YEARS SHE WORKED 1990-2005

15 YEARS UNDER THE YEARS MARRIED THAT SHE WORKED  
 $1995 - 2005 = 10 \text{ YRS}$

CONCLUSION:

WANDA'S SP OF HER RETIREMENT PLAN WILL BE  $\frac{5}{15}$  OR  $\frac{1}{3}$  OF THE TOTAL IN THE PLAN.

CP WILL BE  $\frac{2}{3}$  OF THE TOTAL IN THE PLAN

# QUESTION 5

(4)

5. ISSUES = DIST. OF FUNDS IN SHARES  
 TO = DIVIDEND

L

W

(1) FR 100,000

100,000

(2) BP - 200,000

100,000

(4) NOT DEFINED

NOT DEFINED

(6) Because PS PLAN IS BASED ON A DEFERRED CONTRIBUTION PLAN SO WILL NEED TO BE DIVIDED BASED ON CONTRIBUTION TIMES.

(7) 45335

454165

(8) 250000

250000

TIME