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|   | 15:154 | Funeral home (value of hypothetical noncompete contract should not be considered)   |
| 8 | 15:155 | Funeral home (value was within range of values)   |
|   | 15:156 | Funeral home (determination of debt obligation is required)   |
| § | 15:157 | Franchise   |
|   | 15:158 | Garbage disposal company (court's valuation of garbage disposal company of \$55,000 was proper)   |
| § | 15:159 | Gas station (competent evidence supported valuation findings)   |

| § | 15:160 | Gas station food store (significant non-marital property justifies award of 92% of the marital property to the husband, including his business)  |
|---|--------|--|
| § | 15:161 | Privately owned geiser (trial court did not have the authority to order, over the objection of the former wife, interspousal auction for the purpose of fixing the fair market value of community property and awarding it to a party at that value) |
| § | 15:162 | Geologist/gas consulting business (court finds abuse of discretion in applying discounts in evaluating oil venture properties)   |
| § | 15:163 | Gift shop (in valuing business inventory is marital property)  |
| § | 15:164 | Glass shop business (stock given to husband by his parents in the form of compensation for his efforts deemed marital as to husband, though stock given to wife as gift found to be separate property)   |
| § | 15:165 | Grocery business (valuation of grocery store business between \$50,000 and \$500,000 along with other assets not acceptable)   |
| § | 15:166 | Hair design shop (commercial property acquired prior<br>to marriage is not marital property; Yet increase of<br>value of said property must be apportioned between<br>marital and non-marital estates)   |
| § | 15:167 | Beauty shop (business incorporated during marriage was properly treated as community property)   |
| § | 15:168 | Beauty shop (valuation must include value of land under shop)  |
| Ŭ | 15:169 | Hair styling salon (trial court's award modified to correct computational error)   |
|   | 15:170 | Honey business (court's valuation of husband's stock<br>in closely held corporation was not clearly erroneous)   |
| Ŭ | 15:171 | Hosiery mill (marital property despite being built for children)   |
|   | 15:172 | Industrial equipment supply company (in valuing business it is proper to rely upon insurance application)  |
| § | 15:173 | Insurance agency   |
|   | 15:174 | Insurance agent (state farm insurance agency)  |
| § | 15:175 | Insurance company (characterization of future insurance renewal commissions)   |
| § | 15:176 | Insurance agency (discovery regarding worth of<br>business may be terminated when court feels spouse<br>has sufficient information to prepare for trial)   |
| § | 15:177 | Insurance agency (in valuing insurance agency at the   |

### VALUATION OF DIVORCE ASSETS

|   |        | discounted value of spouse's expected future earnings<br>one erroneously ignores the fact that those earnings<br>will be due in large part to spouse's post marital<br>business)       |
|---|--------|--|
| § | 15:178 | Insurance agency (wife's efforts in husband's business did not entitle her to reimbursement)   |
| § | 15:179 | Insurance agency (in complicated property divisions, substantial deference must be given trial court's findings)   |
| § | 15:180 | Insurance agency (where husband's business employed<br>no other workers it was improper to use<br>capitalization rate of husband's income)   |
| § | 15:181 | Insurance agency   |
| § | 15:182 | Insurance business (payout from insurance company if representative gets out of the business may be discounted as if it were to be received over twenty years)                         |
| § | 15:183 | Insurance business (valuation within range posed by experts)   |
| § | 15:184 | Insurance business (double counting of property)   |
| § | 15:185 | Insurance business (valuation of husband's insurance business and partnership was not clearly erroneous)   |
| 8 | 15:186 | Insurance business (future commissions)  |
|   | 15:187 | State farm insurance sales representative  |
|   |        | (termination payments to be paid over months, if spouse is terminated, were not marital property)  |
| § | 15:188 | Jewelry business (where members of partnership are<br>married to each other, the commingling of business<br>and personal funds does not necessarily prove a<br>breach of good faith)   |
| § | 15:189 | Irrigation company (where increase in value of capital stock is due to individual toils of different   |
|   |        | shareholders but there is no evidence as to what   |
|   |        | percentage of the increase was attributed to each<br>shareholder, it will be present absent evidence to the<br>contrary, that each shareholder contributed equally<br>to the increase) |
| § | 15:190 | Landscaping business (goodwill could be found as to said landscaping operation)  |
| § | 15:191 | Law corporation  |
| § | 15:192 | Law practice (contingent fee cases)  |
| § | 15:193 | Law corporation (receivables must be considered when<br>valuing law corporations worth; But not speculative<br>tax consequences)   |
| § | 15:194 | Law corporation (trial must take evidence as to value  |
|   |        |  |

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|   |        | of law corporation, including its pension plan, prior to evaluation)   |
|---|--------|--|
| § | 15:195 | Law corporation (law practice is a proper subject for a distributive award)  |
| § | 15:196 | Law corporation (wife's receiving 35% of husband's law practice is permissible)  |
| § | 15:197 | Law corporation (it is improper to utilize one method<br>of valuating a spouse's interest in a partnership<br>rather than any other method applied in partnership<br>agreement when there is no apparent reason for<br>doing so) |
| § | 15:198 | Law practice (in valuing law practice accounts receivable must be included, but not work in progress)  |
| Ŭ | 15:199 | Law practice (future overhead expenses should not be considered in valuing a law practice)   |
|   | 15:200 | Law practice   |
| Ü | 15:201 | Law practice (book value formula for valuation of law firm proper)   |
| § | 15:202 | Law practice (proper evidence of law firm must be presented or remand is mandated)   |
| § | 15:203 | Law practice (husband having offered no other<br>approach, wife's expert, an attorney whose practice<br>included negligence law, was permitted to examine<br>husband's files for valuation purposes)                             |
| § | 15:204 | Law practice (husband and wife lawyers agreement was effective to transmute separate property into community property)   |
| § | 15:205 | Law practice (consent judgment permitted court to exclude consideration of husband's law degree)   |
| § | 15:206 | Law practice (husband was entitled to disclosure of information pertaining to wife's partnership interest in law firm)   |
| § | 15:207 | Law corporation (value should include bad debt provision and replacement values for equipment)   |
| § | 15:208 | Law corporation (capitalization of excess earnings does not cause double dipping)  |
| § | 15:209 | Law corporation (buy-sell agreement properly ignored)  |
|   | 15:210 | Law corporation (service business was a law practice)  |
|   | 15:211 | Law corporation (law firm should be valued as going concern)   |
| § | 15:212 | Law corporation (adding capital account to death benefit was proper)   |
| § | 15:213 | Law corporation (partnership agreement should control valuation)   |

|   | 15:214<br>15:215 | Law corporation (goodwill exists in a law practice)<br>Law corporation (clients' legal claims should not be   |
|---|------------------|---|
|   |                  | included in value)  |
|   | 15:216           | Law corporation (court's value within value range)  |
| § | 15:217           | Law corporation (partnership agreement should control value)  |
| § | 15:218           | Law corporation (law firm's debt should be considered in its value)   |
| § | 15:219           | Law corporation (law firm should be valued at the date of separation)   |
| § | 15:220           | Law corporation (law firm should be valued at the commencement date)  |
| § | 15:221           | Law corporation (husband's work in progress could be<br>reserved as valuation and instead court could reserve<br>jurisdiction to divide husband's unpaid fees in the<br>future) |
| § | 15:222           | Law corporation (error in failing to consider value of<br>husband's entire interest in practice, rather than just<br>goodwill component was harmless)                           |
| § | 15:223           | Law corporation (husband's value in law partnership<br>should have been valued before its voluntary<br>dissolution)   |
| § | 15:224           | Law corporation (husband was not entitled to award<br>based on attempt to equitably distribute appreciated<br>value of wife's law practice)                                     |
| § | 15:225           | Law corporation (court erroneously valuing former congressman's law practice)   |
| § | 15:226           | Law corporation (court erred in value of husband's law practice and in failing to separately value his law license)   |
| § | 15:227           | Law corporation (valuation supported wife's expert's valuation showing that husband lessened his billings during separation)  |
| § | 15:228           | Law corporation (former husband's interest in law<br>firm could be valued by appraiser taking average of<br>differing valuation methods)  |
| § | 15:229           | Law corporation (law degree wife obtained during marriage was not marital asset)  |
| § | 15:230           | Law corporation   |
|   | 15:231           | Law partnership   |
|   | 15:232           | Lawn mower  |
|   | 15:233           | Lumber business (upon review, dissolution of<br>marriage cases are required to give due regard to<br>trial court's opportunity to judge the credibility of the<br>witness)      |

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| § | 15:234 | Logging business (value of equipment is sufficient if within range of evidence)  |
|---|--------|--|
| § | 15:235 | Lumber company (no error found in assigning zero value to stock in husband's company)  |
| § | 15:236 | Ladies manufacturing business (valuation of private closely held corporation improper when formula used is based upon public company approach)   |
| § | 15:237 | Food manufacturer and distributor (valuation of business by its certified public accountant proper)  |
| § | 15:238 | Machine shop (goodwill found in husband's machine shop)  |
| § | 15:239 | Machine company (findings of fact regarding valuation of assets may be made after judgment)  |
| § | 15:240 | Mail order business (wife's contributions to husband's separate business property must be considered in valuing same. however, date of separation as opposed to date of trial is controlling as to said business)  |
| § | 15:241 | Management firm (no double counting when value included contract and future salary)  |
| § | 15:242 | Management company (valuation based on post-<br>separation occurrences was improper)   |
| § | 15:243 | Manufacture of medical instruments (businesses may be commingled so as to cause a transmutation)   |
| § | 15:244 | Manufacturer's representative business (valuation of goodwill)   |
| § | 15:245 | Manufacturer's representative business (court may conclude that despite 30–day termination clause in contract there was something marketable in the business)  |
| § | 15:246 | Manufacturer's representative business (where corporation is mere alter ego of husband corporate veil will be pierced)   |
| § | 15:247 | Manufacturer's representative (judge is not bound to accept the testimony of any witness. however, where no evidence is accepted the court should require parties to furnish additional evidence or he should have appointed his own expert to testify on valuation) |
| 8 | 15:248 | Marketing business   |
|   | 15:249 | Marital business   |
|   | 15:250 | Mechanical contracting business (in valuing shares of closely held corporation, goodwill must be determined)   |
| § | 15:251 | Medical practice (goodwill associated with a professional practice dies with the professional)   |

| § | 15:252 | Medical practice (cardiologist) (no goodwill exists as to<br>a salaried employee of a medical practice)                                    |
|---|--------|--|
| § | 15:253 | Doctor's practice (doctor's practice has no goodwill)  |
| § | 15:254 | Medical practice (husband's pension plan and insurance plan awarded to him because of limited value)                                       |
| § | 15:255 | Doctor's practice (husband's medical license, acquired during marriage, was marital property subject to equitable distribution)            |
| § | 15:256 | Medical practice (double-counting occurs when a liability is considered in the valuation of the business and the ability to pay alimony)   |
| § | 15:257 | Medical practice (capitalization of future earnings method was proper)   |
| § | 15:258 | Medical practice (valuation proper when receipts increased 212%)   |
| § | 15:259 | Medical practice (liability caused to fund husband's pension properly ignored)   |
| § | 15:260 | Medical practice (value within the range of expert's values)   |
| § | 15:261 | Medical practice (value within the range of parties' values)   |
| § | 15:262 | Medical practice (valuation at sales price proper)   |
| § | 15:263 | Medical practice (valuation of goodwill based on future earnings was proper)   |
| § | 15:264 | Medical practice (valuation of goodwill based on future earnings was improper)   |
| § | 15:265 | Medical practice (value of patient base)   |
| § | 15:266 | Medical practice (valuation as of trial date was proper)   |
| § | 15:267 | Medical practice (trial court properly valued husband's interest in medical partnership)   |
| § | 15:268 | Medical practice (credit was required for taxes which<br>were ultimately payable on receipt of accounts<br>receivable)                     |
| § | 15:269 | Medical practice   |
| § | 15:270 | Radiologist practice   |
| § | 15:271 | Men's clothing business (in valuing 100 shares of family business trial court may rely on whichever party's expert is the more believable) |
| § | 15:272 | Metal casting business (business started with funds<br>from personal injury settlement is marital property)                                |
| § | 15:273 | Mobile home business (appellate court would not take judicial notice of fact that insurance proceeds from                                  |

|   |        | fire that destroyed property owned by business was greater than trial court's valuation of same)  |
|---|--------|---|
| § | 15:274 | Monitoring device manufacturer (valuation of closely held business must use proper comparables in the light of Rev. Rul. 59-60)   |
| § | 15:275 | Mortgage brokerage business (corporate income rather<br>than salary may be used to establish husband's<br>earnings)   |
| § | 15:276 | Nursery school (husband found not to have increased value of wife's nursery school business)  |
| § | 15:277 | News service business (valuation near sales price was proper)   |
| § | 15:278 | Movie theater (valuation at date of sale was proper)  |
|   | 15:279 | Oil wells (valuation of mineral production interests should not be based on capitalization prior income)  |
| § | 15:280 | Oil business (large fortunes beget large problems)  |
|   | 15:281 | Oil and gas partnership (decline in industry was a factor)  |
| § | 15:282 | Oil company (wrong valuation date)  |
|   | 15:283 | Ophthalmology practice (changing ophthalmologist practice from private practice before marriage to corporation after marriage does not work a transmutation causing a change of property's character) |
| § | 15:284 | Ophthalmology practice (no goodwill)  |
|   | 15:285 | Ophthalmologist medical practice  |
|   | 15:286 | Optical shop  |
|   | 15:287 | Orthodontic practice  |
|   | 15:288 | Outdoor guide business (business may be valued on<br>the basis of its assets rather than as a going concern)  |
| § | 15:289 | Pathology practice (valuation of husband's pension<br>and profit-sharing plans by discounting hypothetical<br>tax liability on present liquidation is erroneous)                                      |
| § | 15:290 | Paving business (insured amount was improper basis for value)   |
| § | 15:291 | Personnel business (capitalization of earnings method was improper)   |
| § | 15:292 | Petroleum product distribution co. (property and assets acquired after marriage may be deemed separate property)  |
| § | 15:293 | Pharmacy business (liabilities unsupported by evidence)   |
| § | 15:294 | Pharmacy business (liabilities unsupported by evidence)   |

| § | 15:295 | Pharmacy (trial court correctly decided that pharmacy business should not apply "marketability discount" in valuation)  |
|---|--------|---|
| § | 15:296 | Photography business (photography work is a business)   |
| § | 15:297 | Photo finishing business  |
| § | 15:298 | Photographic processing business (goodwill is not to be considered in valuing such corporation)   |
| § | 15:299 | Physical therapy practice (market salary used rather than self-employment salary)   |
| § | 15:300 | Physical therapy practice   |
| § | 15:301 | Plastics company (conversion of marital stock must be considered in valuation)  |
| § | 15:302 | Plastic surgery practice (valuation of goodwill)  |
| § | 15:303 | Plastics manufacturing co. (court is not precluded<br>from valuing stockholder spouse's interest above its<br>buy-sell value)   |
| § | 15:304 | Plumbing and heating company (a marital decree may<br>not purport to affect property of a corporation that is<br>not a party to the litigation)   |
| § | 15:305 | Plumbing and heating company (wife obtains a special equity in a business when she takes an active part in the family business)   |
| § | 15:306 | Precision metal parts manufacturers (witness may be barred from testifying for failure to comply with discovery)  |
| § | 15:307 | Private security business (business may be valued even if said value depends entirely on skill and good health of owner for its operation)  |
| § | 15:308 | Radiologist practice (abuse of discretion found when court's decree prohibits husband from selling, encumbering, or otherwise disposing of his stock interest or professional association without wife's or court's approval) |
| § | 15:309 | Ranch operation (valuation of stock of ranch corporation should deduct debts of spouse)   |
| § | 15:310 | Ranch operation (first option agreement at a specified amount is not determinative for purpose of valuing in a marital dissolution)   |
| § | 15:311 | Ranch operation (no error found where court did not order sale of ranch to achieve equitable distribution)  |
| § | 15:312 | Ranch operation (proper for court to allocate to husband the same percentage of debt as his percentage of ownership)  |
| § | 15:313 | Ranch operation (inchoate interests in property exist   |

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|   |        | prior to filing of divorce, but upon filing vest subject to disposition and determination by the trial court)  |
|---|--------|--|
| § | 15:314 | Ranch operation  |
| § | 15:315 | Real estate broker and property manager (contracts for deed should be valued expertly as to present values as opposed to face values)  |
| § | 15:316 | Real estate development (valuation of closely held business which considers loans and debts is proper)   |
| § | 15:317 | Real Estate Development Corp. (court may disregard depletions of marital assets prior to trial in making its property division)  |
| § | 15:318 | Real estate development corporation (corporate veil<br>will be pierced where there is unity of interest and<br>ownership such that the separate personalities of the<br>corporation and the owners cease to exist) |
| § | 15:319 | Real estate development company (assets titled in husband's name are marital assets)   |
| § | 15:320 | Real estate/mortgage and loan business (inherited property is not marital property but may be considered in equitable distribution)  |
| § | 15:321 | Real estate investment company (stock in corporation is marital regardless of how it is titled)  |
| § | 15:322 | Real estate partnership (wife not entitled to interest in partnership)   |
| § | 15:323 | Real estate partnership (time and money spent in improving spouse's real estate office creates special equity)   |
| § | 15:324 | Real estate partnership (trial court erred in<br>considering capital gains tax consequence when<br>valuing parties' interest in real estate partnership<br>since sale of partnership was not imminent)             |
| § | 15:325 | Qualified personal residence trusts  |
| § | 15:326 | Recreational vehicle sales business (value as going concern)   |
| § | 15:327 | Refrigerator supply company (valuation of assets within the limits of the amounts estimated by the witnesses for both parties upheld)  |
| § | 15:328 | Refuse business (specific findings of value need not be<br>made as long as the evidence in the record is<br>sufficient to enable a court of review to analyze the<br>propriety of the trial court's disposition)   |
| § | 15:329 | Rendering plant (reversible error was found where court failed to enter a finding of fact placing a value on husband's stock investments)  |
| § | 15:330 | Rental equipment company (where the evidence is  |

|   |        | conflicting, the reviewing court will not substitute its judgment for that of the trial court)  |
|---|--------|---|
| 8 | 15:331 | Respiratory care business (no goodwill)   |
|   | 15:332 | Restaurant (in valuing fair market value of business  |
|   |        | court need not consider tax consequences of possible sale)  |
| § | 15:333 | Restaurant (decree leaves both parties liable on notes)   |
| § | 15:334 | Restaurant (trial court has authority to grant each party the option to purchase other spouse's interest in their business)   |
| § | 15:335 | Restaurant—Cafe/tavern (cafe and tavern business has goodwill & may be marital property)  |
| § | 15:336 | —Hot dog stand/bar (sale of interest in business for ½10 th its value may be deemed evidence of a sham sale and dissipation)  |
| § | 15:337 | Bar and restaurant (liquor license was community property because its separate nature was not raised on appeal)   |
|   | 15:338 | Non profit supper club (non profit organization was<br>type of business that neither spouse was entitled to<br>interest in upon dissolution)  |
| § | 15:339 | Retail bait and tackle business (wife awarded interest<br>in retail bait and tackle business either as lump sum<br>alimony or as a special equity)  |
| § | 15:340 | Retail grocery store (spouse may not be awarded an undivided interest in partnership)   |
| § | 15:341 | Retail grocery store (increase of husband's percentage<br>ownership in closely held corporation during<br>marriage due to stock redemption plan initiated by<br>husband's parents, who also gave husband initial<br>interests in corporations was found to be separate<br>property) |
| § | 15:342 | Roof consultant (evidence did not establish that<br>husband's closely held corporation was subject to<br>restrictions on goodwill valuation)  |
| § | 15:343 | Sand Gravel & Steel Co  |
| § | 15:344 | Security investment firm (future amendment of buy-<br>sell agreement a factor)  |
| § | 15:345 | Service corporation (husband's parent company owned<br>before marriage was entitled to proceeds of sale of<br>subsidiary created during marriage upon its sale)   |
| § | 15:346 | Supper club (amount of contributions was basis for value)   |
| § | 15:347 | Tire service company (determining value of stock in closely held corporation at book value is prima facie evidence of its worth)  |

| § | 15:348 | Theme park (marketability discount was properly applied when valuing husband's minority interest in closely held family corporation)                  |
|---|--------|---|
| § | 15:349 | Tire business (business should be divided equally unless a disparity exists in parties' contributions in marriage)                                    |
| § | 15:350 | Travel agency business (personal debt to finance prospective business season should not be considered)  |
| § | 15:351 | Travel business (value should be discounted for absence of noncompete clause)   |
| § | 15:352 | Travel home dealership (increase in value of separate business held marital)  |
| § | 15:353 | Sales promotion company (market for closely held stock not required for valuation purposes)   |
|   | 15:354 | Sausage manufacturing plant (separate property<br>business may be transmuted into marital property by<br>commingling of personal and corporate funds) |
| § | 15:355 | School  |
| § | 15:356 | Ski life/safety equipment business (it was error to value corporation one year prior to trial)  |
| § | 15:357 | Scrap metal business (weighted average method was proper)   |
| § | 15:358 | Scrap metal business (capitalized earnings method was properly used to determine closely held corporation's value)                                    |
| § | 15:359 | Specialty advertising firm (business found to be worth in excess of \$100,000)  |
| § | 15:360 | Sporting goods store (father's testimony of worthless business was properly ignored)  |
| § | 15:361 | Tavern (court may not base his ruling on incompetent and unreliable evidence)   |
| § | 15:362 | Tennis racquet manufacturing co. (settlement agreement upheld though business undervalued)  |
| § | 15:363 | Tipper business (value was within range of parties' value)  |
| § | 15:364 | Trucking and transportation company (capitalization-<br>of-earnings approach to value stock in closely held<br>family corporation was proper)         |
| § | 15:365 | Retail tire store (evidence must be found for dissipation of assets)  |
| § | 15:366 | Tool and die company (in valuing business, court can deduct from sales price future work to be performed by husband)                                  |
| § | 15:367 | Trucking and warehouse operation (speculative losses should not be considered in valuation)   |

| 8 | 15:368 | Trucking company (increase in value of separate  |
|---|--------|--|
| 3 | 19.000 | property due to active appreciation which otherwise would have augmented the marital estate is marital   |
|   |        | property)  |
| § | 15:369 | Trucking company (recently purchased land was a factor in valuation)   |
| § | 15:370 | Trucking company (contract accounting for 95% of business was the goodwill)  |
| § | 15:371 | Truck-stop restaurant business (court may order sale of business with its goodwill in its distribution award)  |
| § | 15:372 | Uniform business (future earnings of business may be considered in valuation process)  |
| § | 15:373 | Veterinary clinic (all relevant facts must be considered)  |
| § | 15:374 | Veterinary degree (professional degree although not<br>marital property is still an element to be considered<br>in an equitable award of alimony)    |
| § | 15:375 | Waterbed company (valuing corporations stock using book value was proper)  |
| § | 15:376 | Welding business (value at purchase price was proper)  |
| § | 15:377 | Welding business (value at purchase price was proper)  |
| § | 15:378 | Wine and liquor distributing co. (stock in closely held corporation transferred from father to son, after marriage, held to be non-marital property) |
| § | 15:379 | Veterinary practice (husband given almost all community assets conditioned upon his assuming the community debts)                                    |
| § | 15:380 | Video business   |

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