Table of Contents

Volume 1

CHAPTER 1. VALUATION PROCESS—GENERALLY

§ 1:1 How the court should divide property upon dissolution of marriage
§ 1:2 Equitable distribution
§ 1:3 Equitable assignment
§ 1:4 Distribution in community property jurisdictions
§ 1:5 State approaches
§ 1:6 Distribution under the Uniform Marriage and Divorce Act
§ 1:7 Separate property treatment
§ 1:8 Effect of ownership, in whole or part, by third parties
§ 1:9 Are valuations required?
§ 1:10 What is a valuation?
§ 1:11 Types of value to be considered
§ 1:12 Truths about valuations
§ 1:13 Specific valuation problems
§ 1:14 When assets must be valued—Generally
§ 1:15 —Dissipated property
§ 1:16 —Newly discovered evidence
§ 1:17 —Date of termination of community
§ 1:18 —State approaches
§ 1:19 Factors which affect valuations
§ 1:20 Revenue Ruling 59-60—Background and modern day role
§ 1:21 What must be valued upon dissolution
§ 1:22 The court's role in valuations
§ 1:23 By state
§ 1:24 The court's role in valuations—Abuse of discretion
§ 1:25 —Findings
§ 1:26 Sample court findings—Excerpt—Valuation of husband's business

§ 1:27 How assets are to be valued
§ 1:28 —Sufficiency of evidence
§ 1:29 Discovery of assets
§ 1:30 The effects of fraud on valuation
§ 1:31 The Uniform Marital Property Act
§ 1:32 Factors considered in distribution of assets—Generally
§ 1:33 —Prenuptial agreements
§ 1:34 —Other agreements
§ 1:35 Settlement agreements
§ 1:36 Sample property settlement agreement
§ 1:37 Sample of memorandum of understanding between husband and wife—After petition for divorce has been filed and prior to divorce decree
§ 1:38 Factors considered in distribution of assets—Antenuptial agreement
§ 1:39 —Appreciation
§ 1:40 —"Fault" as an issue
§ 1:41 —Inheritance
§ 1:42 —Premarital property acquisitions
§ 1:43 —Special equities
§ 1:44 —Trusts
§ 1:45 —Gifts
§ 1:46 Sample antenuptial agreement
§ 1:47 —Tennessee
§ 1:48 —Executed prior to scheduled marriage
§ 1:49 Role of Alimony, Maintenance, Support
§ 1:50 Factors considered in distribution of assets—Legal malpractice
§ 1:51 —Sufficiency of evidence
§ 1:52 Role of settlement agreements
§ 1:53 —Reimbursement claim
§ 1:54 Other factors
§ 1:55 Role of debt
§ 1:56 Earning capacity and enhancement
§ 1:57 Appeals
§ 1:58 Procedural issues
§ 1:59 Award of lump sums as result of assets valuation
§ 1:60 Enforcement
§ 1:61 —Contempt

CHAPTER 2. EXPERTS AND USE OF THEM

§ 2:1 Who is an expert?

§ 2:2 How to find experts
§ 2:3 The appraisal
§ 2:4 Selecting the expert
§ 2:5 Qualifying the expert
§ 2:6 —Sample foundational questions for certified public account
§ 2:7 —Sample foundational questions for a jeweler
§ 2:8 —Sample foundational questions for real estate appraiser
§ 2:9 Sample foundational questions for patent appraiser
§ 2:10 Sample Foundational questions for expert on business valuation
§ 2:11 Sample foundational questions and voir dire for non-CPA expert appraiser
§ 2:12 Declaration of expert—Determination of reasonableness of property valuations and asset division as contained in settlement agreement
§ 2:13 Affidavit of husband's expert—Valuation of wife's potential damages from husband's failure to disclose financial transactions
§ 2:14 Cost of appraisals
§ 2:15 Use of experts at trial—Generally
§ 2:16 —Real estate
§ 2:17 Expert testimony by owner
§ 2:18 —Testimony of owner insufficient
§ 2:19 —Judicial admissions of owner
§ 2:20 —Testimony by former owner who is not a party to the divorce action
§ 2:21 Expert fees
§ 2:22 Attorney's fees
§ 2:23 Neutral appraisers
§ 2:24 Sample analysis of assets, liabilities and tax return income
§ 2:25 Excerpt from expert valuation of two business—Methodology
§ 2:26 Excerpt of expert's review of the dissolution judgment as to the reasonableness of imputed income, property division, garnishment and QDRO

CHAPTER 3. UNDERSTANDING ACCOUNTING PROTOCOL

§ 3:1 What matrimonial lawyers must know about accounting today

§ 3:2 Understanding the role of the accountant and his language
§ 3:3 What are auditing techniques?
§ 3:4 Reports of accountants
§ 3:5 Generally accepted auditing standards
§ 3:6 Liability of accountants
§ 3:7 Samples of opinions
§ 3:8 Accountant's report—Damages, if any, resulting from husband's failure to disclose transaction bonus
§ 3:9 Statements prepared without audit
§ 3:10 Use of footnotes
§ 3:11 Cash basis and accrual basis
§ 3:12 Use of Federal Income Tax returns

CHAPTER 4. FINANCIAL STATEMENTS

I. GENERALLY

§ 4:1 What are financial statements?
§ 4:2 What is the lawyer's responsibility toward the client regarding financial statements?

II. BALANCE SHEETS

§ 4:3 Generally; sample balance sheet
§ 4:4 Explanation of balance sheet contents
§ 4:5 Approach to reading the balance sheet

III. STATEMENTS OF INCOME

§ 4:6 Generally
§ 4:7 Sample statement of income
§ 4:8 Explanation statement of income contents

IV. PERSONAL FINANCIAL STATEMENTS

§ 4:9 Generally

V. ANALYZING FINANCIAL STATEMENTS

§ 4:10 Reading financial statements
§ 4:11 Key analytical tests—Current/working capital ratio
§ 4:12 —Liquidity/quick assets ratio

§ 4:13 —Inventory turnover/sales to inventory
§ 4:14 —Sales to fixed assets
§ 4:15 —Net income to net worth
§ 4:16 —Interest coverage
§ 4:17 —Pre-tax profit margin
§ 4:18 —Net asset value/net book value
§ 4:19 —Operating profit margin
§ 4:20 —Operating cost ratio
§ 4:21 —Net profit ratio
§ 4:22 —Interest coverage
§ 4:23 —Preferred dividend coverage
§ 4:24 —Price-earnings ratio
§ 4:25 Conclusion

CHAPTER 5. *[Reserved]*

CHAPTER 6. VALUATION OF CLOSELY HELD CORPORATIONS

§ 6:1 Public and closely held corporations distinguished
§ 6:2 Valuation of closely held corporations, generally
§ 6:3 Role of experts in valuation process
§ 6:4 —State approaches
§ 6:5 Commonly recognized methods for valuing closely held corporations—Introduction
§ 6:6 —Marketability discount
§ 6:7 —Book value
§ 6:8 —Return on investment method
§ 6:9 —Dividend approach
§ 6:10 —Liquidating value approach
§ 6:11 —Capitalized returns
§ 6:12 Steps for getting a business evaluated
§ 6:13 Request letter to financial consultant regarding evaluation of business
§ 6:14 Sample business valuation
§ 6:15 Other business interests

CHAPTER 7. DEALING WITH CORPORATE STOCK ISSUES

§ 7:1 Introduction
§ 7:2 Procedure
§ 7:3 Investments, generally

§ 7:4 Valuation of majority and minority stock positions
§ 7:5 Valuation date
§ 7:6 Stock variables and usage—Generally
§ 7:7 Stock variables and usages—Stock options
§ 7:8 —Contingent stock option
§ 7:9 —Future stock options
§ 7:10 —Incentive stock option
§ 7:11 —Stock dividends
§ 7:12 —Stock splits
§ 7:13 —Cash dividends
§ 7:14 —Appreciation of premarital separate stock
§ 7:15 Particular corporate stock problems—Generally
§ 7:16 —Stock redemption
§ 7:17 —Use of retained earnings
§ 7:18 —Salary abuses
§ 7:19 Market value
§ 7:20 —Enterprise value
§ 7:21 Piercing the corporate veil
§ 7:22 Distribution of corporate assets
§ 7:23 Stock warrants
§ 7:24 Court's role
§ 7:25 Valuations

CHAPTER 8. VALUATION OF PROFESSIONAL ENTITIES, GOODWILL, AND LICENSE INTERESTS

§ 8:1 Valuation of professional corporations, generally
§ 8:2 Today's professional entities problems
§ 8:3 Valuation of professional entities
§ 8:4 Goodwill valuation
§ 8:5 Property rights in licenses and degrees—Generally
§ 8:6 —State by state analysis
§ 8:7 Advanced degrees
§ 8:8 Professional entities and equitable distribution

CHAPTER 9. VALUING RETIREMENT PLANS

§ 9:1 Popularity of retirement plans
§ 9:2 Basic types of plans
§ 9:3 California's case law anthology
§ 9:4 Determination of pension rights

§ 9:5 Valuing retirement plans
§ 9:6 Determination of rights with regard to and the valuation of military retirement benefits
§ 9:7 Coverture
§ 9:8 Date of valuation
§ 9:9 Valuing pension plans—Sample interrogatory questions
§ 9:10 Discrediting experts
§ 9:11 Tax consequences of plans
§ 9:12 *[Reserved]*
§ 9:13 Statutes of limitations and other defenses
§ 9:14 Deferred compensation approach
§ 9:15 Qualified domestic relations order
§ 9:16 Amendment of order
§ 9:17 Adjustment of award postretirement
§ 9:18 Retirement benefits under the Railroad Retirement Act of 1974

CHAPTER 10. VALUATION OF WIFE'S SERVICES

§ 10:1 Development of homemaker's concept
§ 10:2 Proof of homemaker contribution
§ 10:3 Valuation of homemaker's contributions by state
§ 10:4 —Equitable distribution
§ 10:5 —Maintenance/Alimony
§ 10:6 Spousal support—By state
§ 10:7 Other considerations for stay-at-home wife

CHAPTER 11. EFFECT OF BANKRUPTCY ON DISSOLUTION PROCEEDINGS

§ 11:1 Effect of bankruptcy on dissolution proceedings
§ 11:2 Discharge in bankruptcy
§ 11:3 Jurisdiction of bankruptcy court
§ 11:4 Mechanics of bankruptcy
§ 11:5 Duties of trustee
§ 11:6 Bankruptcy estate
§ 11:7 Procedural issues

Volume 2

CHAPTER 12. PARTICULAR VALUATIONS

§ 12:1 In general
§ 12:2 Gift valuations
§ 12:3 Life insurance valuations—Generally
§ 12:4 —Terminology
§ 12:5 —Current case law
§ 12:6 Legislative developments affecting insurance benefits
§ 12:7 Rights to insurance benefits
§ 12:8 Valuation of intangibles
§ 12:9 Real estate valuations
§ 12:10 —Fair market value
§ 12:11 Tort case valuation problems—Generally
§ 12:12 —Current negligence decisions
§ 12:13 Other legal claims
§ 12:14 Workers' compensation awards
§ 12:15 Disability benefits
§ 12:16 Social security benefits
§ 12:17 Annual and sick leave benefits
§ 12:18 Trusts
§ 12:19 Health care benefits

CHAPTER 13. TAX ISSUES CONCERNING VALUATIONS

§ 13:1 Tax consequences of property transfers
§ 13:2 Timeliness of tax considerations
§ 13:3 Davis under attack
§ 13:4 Changes made by Tax Reform Act of 1984 affecting property transfers
§ 13:5 Other tax considerations

Appendix 13A. Provisions of Tax Reform Act of 1984 Affecting Transfers of Assets on Dissolution of Marriage

CHAPTER 14. VALUATION OF COLLECTIBLES

§ 14:1 Introduction

§ 14:2 Automobiles
§ 14:3 Barbed wire
§ 14:4 Baseball cards
§ 14:5 Beer cans
§ 14:6 Bicycles
§ 14:7 Books
§ 14:8 Bottle collecting
§ 14:9 Cash registers
§ 14:10 Ceramics
§ 14:11 Clocks and watches
§ 14:12 Coins
§ 14:13 Coin operated machines
§ 14:14 Comic art
§ 14:15 Comics and comic art
§ 14:16 Decoys
§ 14:17 Dolls
§ 14:18 Furniture
§ 14:19 Glass
§ 14:20 Gold and silver
§ 14:21 Golf clubs
§ 14:22 Guns
§ 14:23 Jukeboxes
§ 14:24 Jewelry
§ 14:25 *[Reserved]*
§ 14:26 Knives
§ 14:27 Magazines
§ 14:28 Militaria
§ 14:29 Paintings
§ 14:30 Paperbacks
§ 14:31 Paperweights
§ 14:32 Prints
§ 14:33 Record collections
§ 14:34 Smoking collectibles
§ 14:35 Stamps
§ 14:36 Toys
§ 14:37 Ancillary aids to evaluating art objects
§ 14:38 Wine

CHAPTER 15. A COMPENDIUM OF VALUATION CASES COVERING SPECIFIC ASSETS

§ 15:1 Importance of establishing valuation evidence

§ 15:2 Generally
§ 15:3 Examples

I. BUSINESS AND PROFESSIONS

§ 15:4 Accounting firm (husband's interest in accounting partnership should have been valued as of date of separation, using partnership agreement's payment plan)
§ 15:5 Accounting practice (trial court erred, as a matter of law, in not ruling that the existing assets comprising the appellee's practice constituted marital property)
§ 15:6 Accounting practice (partnership interest in accounting firm constituted marital property and was, thus, a proper subject for distribution)
§ 15:7 Accounting practice (no discount for sale of entity when there was no intent to sale)
§ 15:8 Accounting practice (use of withdrawal formula was proper)
§ 15:9 Accounting practice (good will of accounting practice is community property)
§ 15:10 Accounting practice (no goodwill existed separate of husband's reputation)
§ 15:11 Accounting practice (valuation of husband's business which did not consider buy-sell agreement was improper)
§ 15:12 Accounting practice (no goodwill existed in husband's accounting firm because it was all personal to the husband)
§ 15:13 Accounting practice (value of husband's partnership interest in accounting firm would not be limited to balance of his capital account)
§ 15:14 Accounts receivable (considered as marital property)
§ 15:15 Advertising firm (wife entitled to 25% of marital assets, including those of husband's advertising company, though marriage lasted only eight months)
§ 15:16 Advertising & promotional wholesaler (husband's lack of credibility hurt his expert's credibility)
§ 15:17 Anesthesiology practice (court rejected business

valuation that did not account for goodwill or accounts receivable)
§ 15:18 Antique business
§ 15:19 Architecture partnership (partnership agreement should be considered)
§ 15:20 Art gallery (the husband owned art gallery and art objects prior to marriage; and the court found no commingling of these items after marriage to establish a transmutation)
§ 15:21 Assets of business, generally
§ 15:22 Automobiles
§ 15:23 Automobile dealership (In valuing stock of company financial statements may be used)
§ 15:24 Automobile dealership (appreciation in separate property contributed by former husband toward acquisition of holding company was wholly active and thus marital)
§ 15:25 Valuation of auto dealership
§ 15:26 Automobile dealership (wife given no portion of husband's business, same being upheld)
§ 15:27 Auto dealership (reduction of debt caused business to appreciate)
§ 15:28 Auto repair shop (present value method valuation proper)
§ 15:29 Auto sales business (court was permitted to award assets of husband's business to wife upon dissolution)
§ 15:30 Auto leasing company (liabilities of a corporation are taken into account in determining the value of its stock)
§ 15:31 Automobile franchise (wife required to hold husband harmless as to disputed debt)
§ 15:32 Automobile sales business (valuation of business based on testimony of business owner)
§ 15:33 Automobile parts (court's valuation of automobile parts company upheld, recognizing fact that control of a profitable business has value)
§ 15:34 Automobile supply company (ruining of a marital business may be deemed dissipation)
§ 15:35 Back clinic (valuation based on uncontroverted testimony of husband)
§ 15:36 Bakery (valuation of bakery based upon book value rather than market value permissible where based upon stipulation)

§ 15:37 Bakery (valuation of bakery outside of shareholder agreement provisions for valuing stock was permissible and reasonable)
§ 15:38 Bakery (funds from parties to business was investment, not loan)
§ 15:39 Bank investment company (liquidation value alone is not the dispositive determinant of the value of a minority shareholder's stock interest)
§ 15:40 Barbershop (valuation unsupported by evidence)
§ 15:41 Barbecue business (wife was to be paid value of business as established by court-appointed appraiser while husband was to have exclusive use of said business)
§ 15:42 Beef and tomato corporation (in valuing stock of closely held corporation, book value of the common stock and the stated value of the preferred stock was being the only reliable evidence presented)
§ 15:43 Beer distributorship (in valuing closely held corporation's stock mere fact that sole stockholder could decide to liquidate at any time did not require the court to use that method of valuation)
§ 15:44 Blueberry farm (valuation based on speculative auction price)
§ 15:45 Boarding stables (zero valuation of boarding stable permitted based on businesses' severe losses and debts)
§ 15:46 Bonuses
§ 15:47 Book royalties
§ 15:48 Boutique (husband was not in violation of court order awarding as part of decree assets of boutique to wife by permitting parent corporation to withdraw funds from the boutique account)
§ 15:49 Brokerage firm
§ 15:50 Buildings
§ 15:51 Business college (husband marketing college systems was found not to be key man and thus not entitled to key man discount in valuing said company)
§ 15:52 Bowling alley (wife's contributions to increase in value of business must be considered)

§ 15:53 Brake repair business (valuation of interest in close corporations places primary obligation of adducing proofs on the parties)
§ 15:54 Cabinet business
§ 15:55 Cablevision enterprise (where owner of business refuses to value same he may not complain of valuation consequences)
§ 15:56 Cablevision enterprise (discounting for inalienability was proper)
§ 15:57 Cablevision enterprise (comparable sales is proper basis for valuation)
§ 15:58 Cafe/pool hall (wife's efforts cannot be ignored in acquiring and working family business)
§ 15:59 Camera business (interest in father's camera shop was found to be marital property based upon son's increasing sales volume)
§ 15:60 Cardiology practice (in valuing medical practice and its equipment the fair market value is proper method as opposed to replacement cost, its book value, or its ability to generate tax deductions)
§ 15:61 Career development company (debts and liens of company must be considered in valuation)
§ 15:62 Cell phone business
§ 15:63 Cement mix company (court may not award wife reimbursement for contributions made to non-marital property)
§ 15:64 Cleaning business (husband's keeping his cleaning business, though obligated to make wife a payout for her interest therein, upheld)
§ 15:65 Chemical manufacturing partnership (termination formula was inappropriate)
§ 15:66 Citrus grove (distribution of citrus grove must be fair)
§ 15:67 Cleaners (business must be determined to be separate or marital before distribution can be made)
§ 15:68 Collection company (classification of business as marital property requires consideration of demeanor of witnesses on the stand by the trial court, who is in a better position to assess their credibility and to resolve conflicts in their testimony)
§ 15:69 Collection company (stock transferred to wife by her father deemed marital property)

§ 15:70 College
§ 15:71 College (court valuation of baseline property upheld)
§ 15:72 Computer service company (in valuing a business trial court need not rely exclusively on approach found in Rev. Rul. 59-60)
§ 15:73 Computer communications business (husband awarded business and other assets but also $370,000 debt)
§ 15:74 Comic book store (classification as marital property; valuation)
§ 15:75 Concrete business
§ 15:76 Construction company
§ 15:77 Construction company (zero valuation of business not acceptable without specific findings of fact)
§ 15:78 Construction company (impact of arrest and availability of financing only goes to weight given to valuation)
§ 15:79 Construction company (unfunded pension liabilities properly excluded from valuation)
§ 15:80 Construction company (valuation of equipment and machinery not abuse of discretion where chosen valuation is within range of values supported by evidence)
§ 15:81 Consulting business (in valuing goodwill a business the court should determine if the business has value to owner spouse above and beyond the tangible assets)
§ 15:82 Consulting business (where no evidence of the value of a business is established court may consider same in its award of alimony)
§ 15:83 Consulting business (trial court need not accept any one formula presented by witnesses, but instead may factor in all the evidence in valuing company's worth)
§ 15:84 Consulting business (negotiations for sale of stock and evidence of arms' length valuations in the recent past may be used in determining value of stock)
§ 15:85 Convenience store (real estate appraisals was an improper basis)
§ 15:86 Convenience store (goodwill not included in valuation)
§ 15:87 Cosmetic sales business (credit card debt incurred marital debt)

§ 15:88 Counseling service (negative equity in wife's business used in valuation of marital assets)
§ 15:89 Dairy farm (dairy farm may be ordered to be sold by liquidation sale; And if any remaining proceeds exist after debts are paid such sums may be divided between marital parties as court chooses)
§ 15:90 Dairy farm (even though husband owned dairy farm before marriage, acquisition of additional cattle and farm equipment may be marital)
§ 15:91 Dairy farm (joint tenancy created by husband's father was in nature of testamentary gift and sufficient to award finding of separate property)
§ 15:92 Costume jewelry/ornament business (business agreement can signify an abandonment of an antenuptial agreement)
§ 15:93 Dairy queen (award of 96% of assets to wife is abuse of discretion)
§ 15:94 Daycare business (method of valuation is not an abuse of discretion where parties fail to present meaningful evidence of business' value)
§ 15:95 Developer of commercial real estate (trial court is required to set forth its valuations to provide appellate court an opportunity to discover whether there has been an abuse of discretion)
§ 15:96 Development and construction corporations (wife gets 50% of property value equaling $7,327,309)
§ 15:97 Doctor's practice/anesthesiologist (evidence of the existence of goodwill must be presented to constitute it as a factor in a medical practice)
§ 15:98 Doctor's practice/anesthesiologist (goodwill of anesthesiologist practice is a marital asset subject to division in dissolution of marriage)
§ 15:99 Doctor's practice/anesthesiologist (in order to correctly evaluate marital assets for distribution purposes trial court must have competent evidence before it)
§ 15:100 Doctor's practice/anesthesiologist (former wife's expert could consider capitalization of excess earnings method in arriving at valuation of goodwill of former husband's anesthesiology practice)

§ 15:101 Doctor's practice/anesthesiologist (valuation of business)
§ 15:102 Doctor's practice/OB-GYN (obstetrician gynecologist's medical practice did not have any good will)
§ 15:103 Doctor's practice/OB-GYN (valuation properly included goodwill)
§ 15:104 Doctor's practice/OB-GYN (capitalization of earnings approach)
§ 15:105 Doctor's practice/cardiologist (award of practice to husband may be acceptable if spouse receiving whole practice is subjected to an obligation to make an equalizing cash payment)
§ 15:106 Doctor's practice/cardiologist (gross income method was improper)
§ 15:107 Doctor's practice/cardiologist (trial judge acted within his discretion in using national salary statistics for invasive cardiologists to calculate the value of goodwill in practice)
§ 15:108 Valuation of medical practice—Cardiologist
§ 15:109 Doctor's practice/chiropractor (wife entitled to reimbursement of loans made to purchase chiropractic clinic)
§ 15:110 Doctor's practice/chiropractor (characterizations of goodwill as marital asset)
§ 15:111 Doctor's practice/dentist (abuse of discretion found where vast majority of parties' assets awarded to husband)
§ 15:112 Doctor's practice/dentist (no abuse of discretion found in awarding home to wife)
§ 15:113 Doctor's practice/dentist (neither Rev. Rul. 59-60 nor any other single method should be uniformly applied in valuing a professional practice)
§ 15:114 Doctor's practice/dentist (no transmutation of husband's dental practice occurred by reason of his contributions of marital income to the practice)
§ 15:115 Doctor's practice/dentist (court has discretion to determine when pension plan should be divided, whether at trial or upon future receipt of same)
§ 15:116 Doctor's practice/dentist (averaging experts' valuation was proper)

§ 15:117 Doctor's practice/dentist (IRS approach was proper)
§ 15:118 Doctor's practice/dentist (trial court when evaluating goodwill value of a business must use one or more of the accepted methods for determining value)
§ 15:119 Doctor's practice/dentist (reduction in value of dental practice based on tax consequences of a potential sale was improper)
§ 15:120 Doctor's practice/dentist (when determining existence of goodwill reference to similar practices should be excluded)
§ 15:121 Doctor's practice/dentist (goodwill not included in valuation of dental practice)
§ 15:122 Doctor's practice/dentist (trial court erred in reducing value of dental practice by lowering goodwill percentage outside range of evidence presented)
§ 15:123 Doctor's practice/dentist (court-appointed business evaluator valuation of dental practice)
§ 15:124 Doctor's practice/dentist (use of practice's cash reserves not dissipation)
§ 15:125 Doctor's practice/ENT (valuation based on "accrual basis" method of accounting was not against clear weight of evidence)
§ 15:126 Doctor's practice/emergency room (it was proper to award wife excess sums upon dissolution in view of husband's high paying profession)
§ 15:127 Doctor's practice/emergency room (husband did not have goodwill from professional practice to include in valuing marital property)
§ 15:128 Doctor's practice/emergency room (value of businesses' goodwill in his professional medical corporations could be considered in determining their value)
§ 15:129 Doctor's practice/gynecologist (goodwill of wife's professional corporation would not be considered in assessing property division)
§ 15:130 Doctor's practice/internist (new trial was required to fully consider husband's enhanced earning capacity as a result of his medical license)
§ 15:131 Doctor's practice/orthopedic surgeon (it was

proper to find wife had interest in husband's medical practice)
§ 15:132 Doctor's practice/pulmonologist (gross income approach was not valid method of determining value of medical practice)
§ 15:133 Doctor's practice/radiologist (pension plan's value set at $103,828 where husband was sole beneficiary and had power to control benefits paid)
§ 15:134 Doctor's practice/radiologist (applying capitalization of earnings approach doctor's practice had a zero value)
§ 15:135 Doctor's practice/radiologist (goodwill was properly included)
§ 15:136 Doctor's practice/surgeon (goodwill may be established even where no market value can be found for the practice)
§ 15:137 Doctor's practice/emergency room (husband's emergency room medical practice has goodwill)
§ 15:138 Doctor's practice/surgeon (in valuing plan, trial court may not duplicate pension's assets; And where such duplication is found, same will be error)
§ 15:139 Doctor's practice/surgeon (contributions to pension plan must be considered upon dissolution)
§ 15:140 Doctor's practice/plastic surgeon (valuing goodwill of husband's medical practice at zero was supported by substantial evidence)
§ 15:141 Doctor's practice/surgeon (former husband's increased earning capacity as result of completion of surgical residence was marital property)
§ 15:142 Doctor's practice/vascular surgeon (a valid gift of stock was found even though presumption of marital property existed)
§ 15:143 Dry cleaning business
§ 15:144 Dry wall company (valuation of stock at book value permissible)
§ 15:145 Dry wall company (court's finding that business had no "sale value or fair market value" in face of competing valuations not error)
§ 15:146 Electric motor repair (in valuing worth of business contracts of sale and debts of

business thereunder must be considered for evaluation)
§ 15:147 Electronics business (valuation of stock of a closely held corporation calls for an attempt to fix a fair market value for the stock)
§ 15:148 Electrical shop business (wife entitled to one-third of business' value in view of her material contribution to same)
§ 15:149 Electricity generation development company (fact that marital estate valuation of corporation was less than fair market value was evidence court considered liabilities to company employees)
§ 15:150 Electronics company (court may establish value of husband's stock in closely held corporation different from value set out in shareholder's agreement)
§ 15:151 Employment Agency (Valuation of stock in corporate employment agency need not include retainer income)
§ 15:152 Engineering firm
§ 15:153 Family business
§ 15:154 Executive recruiting firm (in determining value of shareholder's equity in two corporations it was proper for trial court to add the net shareholder's equity of each corporation after reducing shareholder's debt to one corporation but trial court was not required to consider income tax ramifications on theoretical sale)
§ 15:155 Farming enterprise
§ 15:156 Farming enterprise (court may award farm to spouse and require spouse to make payments for years to achieve equitable division of property)
§ 15:157 Farming enterprise (when valuing contract for sale balance due on the real estate contract should be discounted to its present fair market value)
§ 15:158 Farming enterprise (distribution of marital assets proper even where husband farmer claims he will be forced out of his lifetime vocation)
§ 15:159 Farming enterprise (to determine net income of a farmer one should employ an expert in agricultural accounting)

§ 15:160 Farming enterprise (land given by husband's parents to husband and wife as a gift was to be included in marital estate)
§ 15:161 Farming partnership (wife's interest in farm partnership does not survive the divorce)
§ 15:162 Farm ranch (economic status of ranch would not prevent equitable apportionment of the ranch)
§ 15:163 Farming enterprise (imposition of business risks)
§ 15:164 Farming enterprise (valuation of equipment erroneous for double counting several pieces of equipment)
§ 15:165 Farm valuation—Live stock
§ 15:166 Crop dusting business
§ 15:167 Farm valuation—Farmland
§ 15:168 Finance company (valuation of husband's property interest in company was unsupported as to his claim that liabilities exceeded its assets by $300,000)
§ 15:169 Feed and grain store (good will as marital asset)
§ 15:170 Feed supply business (where specific findings of net worth are not made, the findings nevertheless may be reviewed as a whole to determine if distribution was equitable)
§ 15:171 Fire extinguisher business (wife's contribution to husband; Business was of minimal value, thus denying her opportunity to share in same)
§ 15:172 Fishing boat
§ 15:173 Fishing business
§ 15:174 Flooring company (competing business; date of valuation)
§ 15:175 Food broker products business
§ 15:176 Food store chain (trial court must distinguish between active and passive appreciation of separate property when determining spouse's right to participate in increased value of company)
§ 15:177 Freight lines company (corporation treated as alter ego of husband)
§ 15:178 Fruit and produce stand (qualifying wife expert witness for the valuation)
§ 15:179 Furniture company (appreciation of a business

jointly managed by both spouses becomes marital property even though it is owned by one spouse who had managed it alone prior to their marriage)
§ 15:180 Funeral home (experienced expert's value chosen)
§ 15:181 Funeral home (value of hypothetical noncompete contract should not be considered)
§ 15:182 Funeral home (value was within range of values)
§ 15:183 Funeral home (determination of debt obligation is required)
§ 15:184 Franchise
§ 15:185 Garbage disposal company (court's valuation of garbage disposal company of $55,000 was proper)
§ 15:186 Gas station (competent evidence supported valuation findings)
§ 15:187 Gas station food store (significant non-marital property justifies award of 92% of the marital property to the husband, including his business)
§ 15:188 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)
§ 15:189 Geologist/gas consulting business (court finds abuse of discretion in applying discounts in evaluating oil venture properties)
§ 15:190 Gift shop (in valuing business inventory is marital property)
§ 15:191 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)
§ 15:192 Grocery business (valuation of grocery store business between $50,000 and $500,000 along with other assets not acceptable)
§ 15:193 Grocery business (valuation not erroneous based on alleged double counting of fixtures and equipment)
§ 15:194 Grocery business (favoring husband's expert,

who valued business as going concern, over wife's expert, who valued business based on assumption business would be sold not error)
§ 15:195 Gym
§ 15:196 Hair design shop (commercial property acquired prior to marriage is not marital property; Yet increase of value of said property must be apportioned between marital and non-marital estates)
§ 15:197 Beauty shop (business incorporated during marriage was properly treated as community property)
§ 15:198 Beauty shop (valuation must include value of land under shop)
§ 15:199 Hair styling salon (trial court's award modified to correct computational error)
§ 15:200 Hair styling salon (valuation based on opinion of salon's former that business was worth more if wife remained owner)
§ 15:201 Hog farm (parties ordered to sell hog farm and to split proceeds and tax consequences equally)
§ 15:202 Hog finishing partnership (parties ordered to sell hog farm and to split proceeds and tax consequences equally)
§ 15:203 Holding company (net asset method used to determine effective tax rate applicable to holding)
§ 15:204 Home-based handicapped support services company (liquidation or cost versus earning approach to valuation)
§ 15:205 Honey business (court's valuation of husband's stock in closely held corporation was not clearly erroneous)
§ 15:206 Horseshoeing business (valuation based on wife's "guess" not erroneous)
§ 15:207 Hosiery mill (marital property despite being built for children)
§ 15:208 Ownership shares in hospital
§ 15:209 Hotel business (valuation of)
§ 15:210 Industrial equipment supply company (in valuing business it is proper to rely upon insurance application)
§ 15:211 Insurance agency
§ 15:212 Insurance agent (state farm insurance agency)

§ 15:213 Insurance company (characterization of future insurance renewal commissions)
§ 15:214 Insurance agency (discovery regarding worth of business may be terminated when court feels spouse has sufficient information to prepare for trial)
§ 15:215 Insurance agency (in valuing insurance agency at the discounted value of spouse's expected future earnings one erroneously ignores the fact that those earnings will be due in large part to spouse's post marital business)
§ 15:216 Insurance agency (wife's efforts in husband's business did not entitle her to reimbursement)
§ 15:217 Insurance agency (in complicated property divisions, substantial deference must be given trial court's findings)
§ 15:218 Insurance agency (where husband's business employed no other workers it was improper to use capitalization rate of husband's income)
§ 15:219 Insurance agency
§ 15:220 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)
§ 15:221 Insurance business (valuation within range posed by experts)
§ 15:222 Insurance business (double counting of property)
§ 15:223 Insurance business (valuation of husband's insurance business and partnership was not clearly erroneous)
§ 15:224 Insurance business (using multiplier of one)
§ 15:225 Insurance business (future commissions)
§ 15:226 Insurance business (court may exclude from valuation calculation that part of good will attributable to any personal quality of the spouse)
§ 15:227 Internet services corporation
§ 15:228 State farm insurance sales representative (termination payments to be paid over months, if spouse is terminated, were not marital property)
§ 15:229 Interior design company (no abuse of discretion in the court's valuation of zero)
§ 15:230 Jewelry business (where members of

partnership are married to each other, the commingling of business and personal funds does not necessarily prove a breach of good faith)
§ 15:231 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 shareholder, it will be present absent evidence to the contrary, that each shareholder contributed equally to the increase)
§ 15:232 Landscaping business (goodwill could be found as to said landscaping operation)
§ 15:233 Law corporation
§ 15:234 Law practice (contingent fee cases)
§ 15:235 Law corporation (receivables must be considered when valuing law corporations worth; But not speculative tax consequences)
§ 15:236 Law corporation (trial must take evidence as to value of law corporation, including its pension plan, prior to evaluation)
§ 15:237 Law corporation (law practice is a proper subject for a distributive award)
§ 15:238 Law corporation (wife's receiving 35% of husband's law practice is permissible)
§ 15:239 Law corporation (it is improper to utilize one method of valuating a spouse's interest in a partnership rather than any other method applied in partnership agreement when there is no apparent reason for doing so)
§ 15:240 Law practice (in valuing law practice accounts receivable must be included, but not work in progress)
§ 15:241 Law practice (future overhead expenses should not be considered in valuing a law practice)
§ 15:242 Law practice
§ 15:243 Law practice (book value formula for valuation of law firm proper)
§ 15:244 Law practice (proper evidence of law firm must be presented or remand is mandated)
§ 15:245 Law practice (husband having offered no other approach, wife's expert, an attorney whose practice included negligence law, was permitted to examine husband's files for valuation purposes)

§ 15:246 Law practice (husband and wife lawyers agreement was effective to transmute separate property into community property)
§ 15:247 Law practice (consent judgment permitted court to exclude consideration of husband's law degree)
§ 15:248 Law practice (husband was entitled to disclosure of information pertaining to wife's partnership interest in law firm)
§ 15:249 Law corporation (value should include bad debt provision and replacement values for equipment)
§ 15:250 Law corporation (capitalization of excess earnings does not cause double dipping)
§ 15:251 Law corporation (buy-sell agreement properly ignored)
§ 15:252 Law corporation (service business was a law practice)
§ 15:253 Law corporation (law firm should be valued as going concern)
§ 15:254 Law corporation (adding capital account to death benefit was proper)
§ 15:255 Law corporation (partnership agreement should control valuation)
§ 15:256 Law corporation (goodwill exists in a law practice)
§ 15:257 Law corporation (clients' legal claims should not be included in value)
§ 15:258 Law corporation (court's value within value range)
§ 15:259 Law corporation (partnership agreement should control value)
§ 15:260 Law corporation (law firm's debt should be considered in its value)
§ 15:261 Law corporation (law firm should be valued at the date of separation)
§ 15:262 Law corporation (law firm should be valued at the commencement date)
§ 15:263 Law corporation (husband's work in progress could be reserved as valuation and instead court could reserve jurisdiction to divide husband's unpaid fees in the future)
§ 15:264 Law corporation (error in failing to consider value of husband's entire interest in practice, rather than just goodwill component was harmless)

§ 15:265 Law corporation (husband's value in law partnership should have been valued before its voluntary dissolution)
§ 15:266 *[Reserved]*
§ 15:267 Law corporation (court erroneously valuing former congressman's law practice)
§ 15:268 Law corporation (court erred in value of husband's law practice and in failing to separately value his law license)
§ 15:269 Law corporation (valuation supported wife's expert's valuation showing that husband lessened his billings during separation)
§ 15:270 Law corporation (former husband's interest in law firm could be valued by appraiser taking average of differing valuation methods)
§ 15:271 Law corporation (law degree wife obtained during marriage was not marital asset)
§ 15:272 Law corporation
§ 15:273 Law partnership
§ 15:274 Law partnership (valuation of husband's partnership interest not controlled by partnership agreement)
§ 15:275 Lawn care business (asset value)
§ 15:276 Lawn mower
§ 15:277 Lighting and design business (business valuation excluding personal goodwill and not including a lack of marketability discount)
§ 15:278 Lumber business (upon review, dissolution of marriage cases are required to give due regard to trial court's opportunity to judge the credibility of the witness)
§ 15:279 Logging business (value of equipment is sufficient if within range of evidence)
§ 15:280 Lumber company (no error found in assigning zero value to stock in husband's company)
§ 15:281 Ladies manufacturing business (valuation of private closely held corporation improper when formula used is based upon public company approach)
§ 15:282 Food manufacturer and distributor (valuation of business by its certified public accountant proper)
§ 15:283 Machine shop (goodwill found in husband's machine shop)
§ 15:284 Machine company (findings of fact regarding

valuation of assets may be made after judgment)
§ 15:285 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)
§ 15:286 Management firm (no double counting when value included contract and future salary)
§ 15:287 Management company (valuation based on post-separation occurrences was improper)
§ 15:288 Manufacture of medical instruments (businesses may be commingled so as to cause a transmutation)
§ 15:289 Manufacturer's representative business (valuation of goodwill)
§ 15:290 Manufacturer's representative business (court may conclude that despite 30–day termination clause in contract there was something marketable in the business)
§ 15:291 Manufacturer's representative business (where corporation is mere alter ego of husband corporate veil will be pierced)
§ 15:292 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)
§ 15:293 Marketing business
§ 15:294 Marital business
§ 15:295 Mechanical contracting business (in valuing shares of closely held corporation, goodwill must be determined)
§ 15:296 Medical practice (goodwill associated with a professional practice dies with the professional)
§ 15:297 Medical practice (cardiologist) (no goodwill exists as to a salaried employee of a medical practice)
§ 15:298 Doctor's practice (doctor's practice has no goodwill)
§ 15:299 Medical practice (husband's pension plan and insurance plan awarded to him because of limited value)

§ 15:300 Doctor's practice (husband's medical license, acquired during marriage, was marital property subject to equitable distribution)
§ 15:301 Medical practice (double-counting occurs when a liability is considered in the valuation of the business and the ability to pay alimony)
§ 15:302 Medical practice (capitalization of future earnings method was proper)
§ 15:303 Medical practice (valuation proper when receipts increased 212%)
§ 15:304 Medical practice (liability caused to fund husband's pension properly ignored)
§ 15:305 Medical practice (value within the range of expert's values)
§ 15:306 Medical practice (value within the range of parties' values)
§ 15:307 Medical practice (valuation at sales price proper)
§ 15:308 Medical practice (valuation of goodwill based on future earnings was proper)
§ 15:309 Medical practice (valuation of goodwill based on future earnings was improper)
§ 15:310 Medical Practice—Goodwill only one asset of practice
§ 15:311 Medical practice (value of patient base)
§ 15:312 Medical practice (valuation as of trial date was proper)
§ 15:313 Medical practice (trial court properly valued husband's interest in medical partnership)
§ 15:314 Medical practice (credit was required for taxes which were ultimately payable on receipt of accounts receivable)
§ 15:315 Medical practice
§ 15:316 Radiologist practice
§ 15:317 Men's clothing business (in valuing 100 shares of family business trial court may rely on whichever party's expert is the more believable)
§ 15:318 Metal casting business (business started with funds from personal injury settlement is marital property)
§ 15:319 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)

§ 15:320 Monitoring device manufacturer (valuation of closely held business must use proper comparables in the light of Rev. Rul. 59-60)
§ 15:321 Mortgage brokerage business (corporate income rather than salary may be used to establish husband's earnings)
§ 15:322 Nursery school (husband found not to have increased value of wife's nursery school business)
§ 15:323 News service business (valuation near sales price was proper)
§ 15:324 Movie theater (valuation at date of sale was proper)
§ 15:325 Oil wells (valuation of mineral production interests should not be based on capitalization prior income)
§ 15:326 Oil business (large fortunes beget large problems)
§ 15:327 Oil and gas partnership (decline in industry was a factor)
§ 15:328 Oil company (wrong valuation date)
§ 15:329 Oil field service business
§ 15:330 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)
§ 15:331 Ophthalmology practice (no goodwill)
§ 15:332 Ophthalmologist medical practice
§ 15:333 Optical shop
§ 15:334 Oral surgery practice (valuation based on the averaging of conflicting and competing valuation methods is rejected)
§ 15:335 Orthodontic practice
§ 15:336 Outdoor guide business (business may be valued on the basis of its assets rather than as a going concern)
§ 15:337 Paint business (valuation of business included real estate)
§ 15:338 Pathology practice (valuation of husband's pension and profit-sharing plans by discounting hypothetical tax liability on present liquidation is erroneous)
§ 15:339 Paving business (insured amount was improper basis for value)

§ 15:340 Personnel business (capitalization of earnings method was improper)
§ 15:341 Petroleum product distribution co. (property and assets acquired after marriage may be deemed separate property)
§ 15:342 Pharmacy business (liabilities unsupported by evidence)
§ 15:343 Pharmacy business (failure to overcome marital property presumption)
§ 15:344 Pharmacy (trial court correctly decided that pharmacy business should not apply "marketability discount" in valuation)
§ 15:345 Pharmacy (without personal goodwill in business)
§ 15:346 Photography business (photography work is a business)
§ 15:347 Photo finishing business
§ 15:348 Photographic processing business (goodwill is not to be considered in valuing such corporation)
§ 15:349 Physical therapy practice (market salary used rather than self-employment salary)
§ 15:350 Physical therapy practice
§ 15:351 Plastics company (conversion of marital stock must be considered in valuation)
§ 15:352 Plastic surgery practice (valuation of goodwill)
§ 15:353 Plastics manufacturing co. (court is not precluded from valuing stockholder spouse's interest above its buy-sell value)
§ 15:354 Plumbing and heating company (a marital decree may not purport to affect property of a corporation that is not a party to the litigation)
§ 15:355 Plumbing and heating company (wife obtains a special equity in a business when she takes an active part in the family business)
§ 15:356 Pool construction business (no loan made to business where both parties jointly depleted funds)
§ 15:357 Precision metal parts manufacturers (witness may be barred from testifying for failure to comply with discovery)
§ 15:358 Private security business (business may be valued even if said value depends entirely on skill and good health of owner for its operation)

§ 15:359 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)
§ 15:360 Ranch operation (valuation of stock of ranch corporation should deduct debts of spouse)
§ 15:361 Ranch operation (first option agreement at a specified amount is not determinative for purpose of valuing in a marital dissolution)
§ 15:362 Ranch operation (no error found where court did not order sale of ranch to achieve equitable distribution)
§ 15:363 Ranch operation (proper for court to allocate to husband the same percentage of debt as his percentage of ownership)
§ 15:364 Ranch operation (inchoate interests in property exist prior to filing of divorce, but upon filing vest subject to disposition and determination by the trial court)
§ 15:365 Ranch operation
§ 15:366 Real estate broker and property manager (contracts for deed should be valued expertly as to present values as opposed to face values)
§ 15:367 Real estate development (construction spending theory)
§ 15:368 Real estate development (valuation of closely held business which considers loans and debts is proper)
§ 15:369 Real Estate Development Corp. (court may disregard depletions of marital assets prior to trial in making its property division)
§ 15:370 Real estate development corporation (corporate veil will be pierced where there is unity of interest and ownership such that the separate personalities of the corporation and the owners cease to exist)
§ 15:371 Real estate development company (assets titled in husband's name are marital assets)
§ 15:372 Real estate/mortgage and loan business (inherited property is not marital property but may be considered in equitable distribution)
§ 15:373 Real estate investment company (marital increase of spouse's interest in)
§ 15:374 Real estate investment company (stock in

corporation is marital regardless of how it is titled)
§ 15:375 Real estate partnership (wife not entitled to interest in partnership)
§ 15:376 Real estate partnership (time and money spent in improving spouse's real estate office creates special equity)
§ 15:377 Real estate partnership (trial court erred in considering capital gains tax consequence when valuing parties' interest in real estate partnership since sale of partnership was not imminent)
§ 15:378 Retail business
§ 15:379 Realty company (trial court could adjust negative cash flow percentage)
§ 15:380 Qualified personal residence trusts
§ 15:381 Recreational vehicle sales business (value as going concern)
§ 15:382 Refrigerator supply company (valuation of assets within the limits of the amounts estimated by the witnesses for both parties upheld)
§ 15:383 Refuse business (specific findings of value need not be made as long as the evidence in the record is sufficient to enable a court of review to analyze the propriety of the trial court's disposition)
§ 15:384 Rendering plant (reversible error was found where court failed to enter a finding of fact placing a value on husband's stock investments)
§ 15:385 Rental equipment company (where the evidence is conflicting, the reviewing court will not substitute its judgment for that of the trial court)
§ 15:386 Rental property (income capitalization method)
§ 15:387 Respiratory care business (no goodwill)
§ 15:388 Restaurant (in valuing fair market value of business court need not consider tax consequences of possible sale)
§ 15:389 Restaurant (significant debts and financial obligations in valuing fair market value of business)
§ 15:390 Restaurant (decree leaves both parties liable on notes)

§ 15:391 Restaurant (trial court has authority to grant each party the option to purchase other spouse's interest in their business)
§ 15:392 Restaurant—Cafe/tavern (cafe and tavern business has goodwill & may be marital property)
§ 15:393 —Hotdog stand/bar (sale of interest in business for one-tenth its value may be deemed evidence of a sham sale and dissipation)
§ 15:394 Bar and restaurant (liquor license was community property because its separate nature was not raised on appeal)
§ 15:395 Non profit supper club (non profit organization was type of business that neither spouse was entitled to interest in upon dissolution)
§ 15:396 Retail bait and tackle business (wife awarded interest in retail bait and tackle business either as lump sum alimony or as a special equity)
§ 15:397 Retail grocery store (spouse may not be awarded an undivided interest in partnership)
§ 15:398 Retail grocery store (increase of husband's percentage ownership in closely held corporation during marriage due to stock redemption plan initiated by husband's parents, who also gave husband initial interests in corporations was found to be separate property)
§ 15:399 Retail renaissance goods store
§ 15:400 Roof consultant (evidence did not establish that husband's closely held corporation was subject to restrictions on goodwill valuation)
§ 15:401 Sand Gravel & Steel Co
§ 15:402 Security investment firm (future amendment of buy-sell agreement a factor)
§ 15:403 Service corporation (husband's parent company owned before marriage was entitled to proceeds of sale of subsidiary created during marriage upon its sale)
§ 15:404 Specialty lubricants corporation (valuation not supported by evidence of unsolicited purchase offer)
§ 15:405 Supper club (amount of contributions was basis for value)
§ 15:406 IT services company

§ 15:407 Tire service company (determining value of stock in closely held corporation at book value is prima facie evidence of its worth)
§ 15:408 Theme park (marketability discount was properly applied when valuing husband's minority interest in closely held family corporation)
§ 15:409 Tire business (business should be divided equally unless a disparity exists in parties' contributions in marriage)
§ 15:410 Travel agency business (personal debt to finance prospective business season should not be considered)
§ 15:411 Travel business (value should be discounted for absence of noncompete clause)
§ 15:412 Travel home dealership (increase in value of separate business held marital)
§ 15:413 Sales promotion company (market for closely held stock not required for valuation purposes)
§ 15:414 Sausage manufacturing plant (separate property business may be transmuted into marital property by commingling of personal and corporate funds)
§ 15:415 School
§ 15:416 Ski life/safety equipment business (it was error to value corporation one year prior to trial)
§ 15:417 Scrap metal business (weighted average method was proper)
§ 15:418 Scrap metal business (capitalized earnings method was properly used to determine closely held corporation's value)
§ 15:419 Specialty advertising firm (business found to be worth in excess of $100,000)
§ 15:420 Sporting goods store (father's testimony of worthless business was properly ignored)
§ 15:421 Steel business (lack of marketability)
§ 15:422 Surveying business (transmutation; special equity)
§ 15:423 Tavern (court may not base his ruling on incompetent and unreliable evidence)
§ 15:424 Teaching degree
§ 15:425 Tennis racquet manufacturing co. (settlement agreement upheld though business undervalued)

§ 15:426 Tipper business (value was within range of parties' value)
§ 15:427 Trucking business (use of estimate that valued only business assets and not business's worth as an enterprise rejected)
§ 15:428 Trucking and transportation company (capitalization-of-earnings approach to value stock in closely held family corporation was proper)
§ 15:429 Retail tire store (evidence must be found for dissipation of assets)
§ 15:430 Tool and die company (in valuing business, court can deduct from sales price future work to be performed by husband)
§ 15:431 Trucking and warehouse operation (speculative losses should not be considered in valuation)
§ 15:432 Trucking company (increase in value of separate property due to active appreciation which otherwise would have augmented the marital estate is marital property)
§ 15:433 Trucking company (recently purchased land was a factor in valuation)
§ 15:434 Trucking company (contract accounting for 95% of business was the goodwill)
§ 15:435 Trucking company (negative net worth)
§ 15:436 Truck-stop restaurant business (court may order sale of business with its goodwill in its distribution award)
§ 15:437 Uniform business (future earnings of business may be considered in valuation process)
§ 15:438 Vending machine business
§ 15:439 Veterinary clinic (all relevant facts must be considered)
§ 15:440 Veterinary degree (professional degree although not marital property is still an element to be considered in an equitable award of alimony)
§ 15:441 Waterbed company (valuing corporations stock using book value was proper)
§ 15:442 Welding business (value at purchase price was proper)
§ 15:443 Welding business (value at purchase price was proper)
§ 15:444 Wine and liquor distributing co. (stock in closely held corporation transferred from father to son, after marriage, held to be non-marital property)

§ 15:445 Veterinary practice (husband given almost all community assets conditioned upon his assuming the community debts)
§ 15:446 Veterinary practice (error to award each spouse half interest in wife's veterinary business where parties stipulated to a different result)
§ 15:447 Video business
§ 15:448 Yacht brokerage business (inequitable to assign wife one-half of debt belonging to husband's business)

II. PERSONAL PROPERTY

§ 15:449 Generally
§ 15:450 Auction
§ 15:451 Automobiles
§ 15:452 Boats
§ 15:453 Bonds
§ 15:454 Brokerage accounts
§ 15:455 Brokerage account appreciation (use of S&P 500 as benchmark to measure passive appreciation)
§ 15:456 Calves
§ 15:457 Cash on hand
§ 15:458 Valuation of cattle
§ 15:459 Commodities seat
§ 15:460 Country club membership
§ 15:461 Crops
§ 15:462 Farm assets
§ 15:463 Farm
§ 15:464 Farm trailer
§ 15:465 Furniture
§ 15:466 Gifts
§ 15:467 Golf Club Membership
§ 15:468 Grain
§ 15:469 Gravel pit
§ 15:470 Guns
§ 15:471 Horse
§ 15:472 Horse trailer
§ 15:473 Household goods
§ 15:474 Investment accounts
§ 15:475 Give-or-take valuation
§ 15:476 Mink coat
§ 15:477 Motorcycles

§ 15:478 Motorhome
§ 15:479 Pets
§ 15:480 Truck & truck leases
§ 15:481 Cod pots
§ 15:482 Equipment

III. REAL ESTATE

A. FAMILY HOMES

§ 15:483 Generally
§ 15:484 Alaska
§ 15:485 California
§ 15:486 Colorado
§ 15:487 Connecticut
§ 15:488 Delaware
§ 15:489 Florida
§ 15:490 Georgia
§ 15:491 Hawaii
§ 15:492 Illinois
§ 15:493 Indiana
§ 15:494 Iowa
§ 15:495 Kentucky
§ 15:496 Louisiana
§ 15:497 Maine
§ 15:498 Maryland
§ 15:499 Massachusetts
§ 15:500 Minnesota
§ 15:501 Mississippi
§ 15:502 Missouri
§ 15:503 Montana
§ 15:504 Nebraska
§ 15:505 New Jersey
§ 15:506 New York
§ 15:507 North Carolina
§ 15:508 North Dakota
§ 15:509 Ohio
§ 15:510 Oklahoma
§ 15:511 Oregon
§ 15:512 Pennsylvania
§ 15:513 South Carolina
§ 15:514 South Dakota
§ 15:515 Texas

§ 15:516 Virginia
§ 15:517 Vermont
§ 15:518 Washington
§ 15:519 Wyoming

B. LAND VALUES

§ 15:520 Generally
§ 15:521 Alaska
§ 15:522 Arkansas
§ 15:523 California
§ 15:524 Colorado
§ 15:525 Florida
§ 15:526 Georgia
§ 15:527 Idaho
§ 15:528 Illinois
§ 15:529 Indiana
§ 15:530 Kentucky
§ 15:531 Maine
§ 15:532 Minnesota
§ 15:533 Mississippi
§ 15:534 Missouri
§ 15:535 Montana
§ 15:536 Nebraska
§ 15:537 New Jersey
§ 15:538 New York
§ 15:539 North Carolina
§ 15:540 North Dakota
§ 15:541 Ohio
§ 15:542 Oregon
§ 15:543 Rhode Island
§ 15:544 South Carolina
§ 15:545 South Dakota
§ 15:546 Tennessee
§ 15:547 Texas
§ 15:548 West Virginia

IV. STOCK PROBLEMS

§ 15:549 Generally
§ 15:550 Arkansas
§ 15:551 California
§ 15:552 Delaware

§ 15:553 Illinois
§ 15:554 Iowa
§ 15:555 Indiana
§ 15:556 Maine
§ 15:557 Mississippi
§ 15:558 Maryland
§ 15:559 Missouri
§ 15:560 Nebraska
§ 15:561 New York
§ 15:562 Ohio
§ 15:563 Oregon
§ 15:564 South Dakota
§ 15:565 Texas
§ 15:566 Vermont
§ 15:567 Virginia
§ 15:568 West Virginia

V. MISCELLANEOUS

§ 15:569 Accounting methods
§ 15:570 Annuities
§ 15:571 Antiques
§ 15:572 Airplanes
§ 15:573 Appraisal
§ 15:574 Appreciation
§ 15:575 Art paintings
§ 15:576 Art works
§ 15:577 Attorney's fees incurred by parties
§ 15:578 Bank accounts
§ 15:579 Bankruptcy
§ 15:580 Bank accounts/european
§ 15:581 Broker's commission
§ 15:582 Building lease—Oregon
§ 15:583 Buy outs
§ 15:584 Cable television
§ 15:585 Certificates of deposit
§ 15:586 Characterization of property
§ 15:587 Choses in action
§ 15:588 Commingling of property
§ 15:589 Constructive trust
§ 15:590 Contingency fee contracts
§ 15:591 Condominium
§ 15:592 Contracts

§ 15:593 Contract for sale
§ 15:594 Covenant not to compete
§ 15:595 Debts
§ 15:596 Disability payments
§ 15:597 Discovery
§ 15:598 Dissipation
§ 15:599 Distribution
§ 15:600 Drilling rights
§ 15:601 Duplex
§ 15:602 Employer's stock
§ 15:603 Employment leave
§ 15:604 Estate claims
§ 15:605 Evidence
§ 15:606 Exclusive use of residence
§ 15:607 Family photographs
§ 15:608 Favoritism of court
§ 15:609 Fault
§ 15:610 Fiduciary relationship
§ 15:611 Firearms
§ 15:612 Fishing vessel
§ 15:613 Fixtures
§ 15:614 Forced sale
§ 15:615 Fraud
§ 15:616 Gambling casino
§ 15:617 Goodwill
§ 15:618 Governmental aid
§ 15:619 Homemaker
§ 15:620 Home furnishings
§ 15:621 Horses
§ 15:622 Illness
§ 15:623 Insurance proceeds
§ 15:624 Interest award
§ 15:625 Inventory
§ 15:626 Investments
§ 15:627 IRA accounts
§ 15:628 Land contracts
§ 15:629 Land lease & improvements
§ 15:630 Life insurance
§ 15:631 Limited partnership
§ 15:632 Lists
§ 15:633 Loans
§ 15:634 Loan to partnership

§ 15:635 Lottery winnings
§ 15:636 Machinery
§ 15:637 Marital efforts
§ 15:638 Mileage
§ 15:639 Military pensions
§ 15:640 Misbeliefs as to title to property
§ 15:641 Mobile home
§ 15:642 Trailer park
§ 15:643 Motel/Hotel
§ 15:644 Movable equipment
§ 15:645 Negative asset
§ 15:646 Oil wells
§ 15:647 Online brokerage account
§ 15:648 Over-the-road tractor
§ 15:649 Partition
§ 15:650 Partnerships I
§ 15:651 Promissory note I
§ 15:652 Partnerships II
§ 15:653 Payment
§ 15:654 Pensions
§ 15:655 Personal injury awards
§ 15:656 Profits
§ 15:657 Promissory note II
§ 15:658 Public policy
§ 15:659 Quarry
§ 15:660 Quitclaim deed
§ 15:661 Racing hobby
§ 15:662 Remainder interest
§ 15:663 Retained earnings (S Corp)
§ 15:664 Right to security
§ 15:665 Royalties
§ 15:666 Savings bonds
§ 15:667 Second marriage distributions
§ 15:668 Securities
§ 15:669 Separation (assets acquired after)
§ 15:670 Shopping center
§ 15:671 Social security
§ 15:672 Source of funds theory
§ 15:673 Stipulations
§ 15:674 Stock exchange seat
§ 15:675 Stock options
§ 15:676 Student loans

§ 15:677 Tax consequences
§ 15:678 Tax exempt interest
§ 15:679 Tax shelters
§ 15:680 Termination benefits
§ 15:681 Tools
§ 15:682 Severance benefits/voluntary separation incentive payments as pensions
§ 15:683 Transmutation of property
§ 15:684 Trusts
§ 15:685 Unpaid wage claims
§ 15:686 Use of escrow
§ 15:687 Valuation
§ 15:688 Vacation and sick leave
§ 15:689 Wages
§ 15:690 Will contest
§ 15:691 Workmen's compensation

Table of Laws and Rules

Table of Cases

Index