

Beyond the Basics™:
Complex Real Property Issues in Family Law Matters

Seminar Leaders: Garrett C. Dailey, Esq. and Roger Lewis, Esq.

We will cover not only the basic issues that arise in most every case where real property is involved, but also some of the more esoteric ones that we don't often see but need to be aware of.

Forms of Title

Initial Considerations

Lis pendens
Slander of title
Considerations re severing rights of survivorship
Encumbrances
Homesteads
Exclusive occupancy
Family Trusts

Intraspousal Transfers

Delaney and Haines issues
Effect on presumption of undue influence

Premarital Property

True joint tenancy
Are you up on your partition law?

Moore/Marsden Issues

Improvements (Bono)
Refinancing
Branco issues/intent of the lender

Reimbursement Issues

Watts issues
Fam. Code §2640(b)
What is reimbursable?
Record keeping

Walrath Tracing Issues

Reassessment Upon Transfers

Handling the transfer
Exceptions

Income Tax Issues

Int. Rev. Code §121
Calculating basis
Is Int. Rev. Code §1034 really dead?

Valuation

Appraiser or real estate agent?
Understanding appraisals
Getting the right valuation – trial tips
Defects and repairs

Division

Factors to consider when requesting sale or in-kind
Deferred Sale of Family Home

Orders**Title Reports**

Why you need them in every case
What to look for

Missing Links in the Tracing Chain

Erroneous assumptions
Other fatal tracing errors and pitfalls
Complex tracing problems and solutions
Bank account tracing
Brokerage account tracings

Course materials - \$50

Audio class with materials and 3 hours MCLE/Specialization (Cassette or CD) - \$150