



## MINNESOTA JUDICIAL TRAINING UPDATE



### **DIVORCE TRIALS – DISTRIBUTION OF PERSONAL PROPERTY**

**QUESTION:** DURING A DISSOLUTION TRIAL YOU SPEND HOURS LISTENING TO OBSTREPEROUS PARTIES ARGUE OVER THE DISTRIBUTION OF INEXPENSIVE OR MINOR ITEMS OF PERSONAL PROPERTY. YOU WOULD LIKE TO AVOID THAT PROBLEM IN FUTURE CASES.

**ONE POSSIBLE SOLUTION:** Every Judge Has Their Own Procedure For Dealing With Disputes Over ‘Personal Property’. However, If You Prefer Not To Spend Trial Time Taking Testimony On Awarding Items Such As: Used TV’s, Furniture, Stereos, Toasters, Yard Equipment, Etc., The Following ‘*AUCTION PROCEDURE*’ Is One Proven Method For Resolving This Issue Prior To Trial. You Can Implement This Procedure By Adding The Following Language To Your Pre-Trial Order (if you would like a copy of a sample dissolution Pre-Trial Order please send me an email request):

#### **DISPUTES INVOLVING PERSONAL PROPERTY**

If not already done, the parties shall meet within thirty days of the date of this Order to discuss allocation of the parties’ items of personal property. The parties shall distribute the items between themselves by agreement. If the parties disagree about the distribution of certain items, they shall prepare a master list of those items and submit that list to the Court no later than two weeks prior to trial. Each party shall submit separately to the Court a sealed bid no later than one week prior to trial. The bid shall identify each disputed item and assign each a dollar amount. The party submitting the highest bid for a particular item shall be awarded exclusive possession and use of that item. The party making the highest total bid amount shall pay the other party a cash amount equal to one-half the difference between the total amounts bid by each party. **See Appendix “A” for an example.**

**APPENDIX "A"**

Illustration of Distribution of Personal Property by Bid  
(Highest bid is noted in bold)

Item	Petitioner's Bid (\$)	Respondent's Bid (\$)
<b>Household:</b>		
Dining Room Set	1,000.00	<b>1,250.00</b>
Sewing Machine	250.00	<b>300.00</b>
<b>Entertainment:</b>		
Stereo System	300.00	<b>400.00</b>
Television	<b>600.00</b>	250.00
<b>Collectables:</b>		
Stamp Collection	<b>600</b>	250
Spoon Collection	<b>400</b>	250
<b>Recreation:</b>		
Boat & Motor	1,600.00	<b>1800.00</b>
<b>Maintenance Equipment:</b>		
Riding Lawn Mower	<b>800.00</b>	650.00
Table Saw	<b>400.00</b>	250.00
<b>Total Value of Items Purchased</b>	<b>\$2800.00</b>	<b>\$3750.00</b>

Party making the highest bid is awarded the corresponding item. Here, Petitioner is awarded the television, stamp and spoon collection, lawn mower and table saw. Respondent is awarded the dining room set, sewing machine, stereo system, and the boat and motor.

Party bidding the greater total amount must pay the other party one-half the difference between the total values. Here, Respondent must pay Petitioner the amount of:  $\$3750 - \$2800 = \$950 \div 2 = \mathbf{\$475}$