

## Funds that Start Out as Separate Property can be Considered as Community Property in an Arizona Divorce Case

By: Timothy Durkin, Attorney at Law  
JacksonWhite, P.C.

The application of [community property laws in an Arizona divorce case](#) isn't always as straight forward as one might think. Funds that start as separate property of one spouse can become "commingled" or mixed in with community property over the course of a marriage. Commingling often occurs when:

- The separate property of one spouse is combined into a joint checking or savings account belonging to both spouses.
- Money is transferred from a separate account belonging to only one of the spouses into an account that belongs to both spouses.
- Funds are reinvested or borrowed from an outside 3rd party during the couple's marriage.

Keep in mind, however, that just because an asset becomes mixed or commingled does not mean that the asset will automatically be considered as community property under the law. This is because a spouse can still claim an asset as separate if they can trace the asset back to the initial separate property source. In order to do this, a spouse must provide the court with adequate documentation of separate property. Furthermore, since it can be difficult to accurately trace an asset back to its original state, it is recommended that parties to a divorce contact an attorney for assistance.



Timothy Durkin joined JacksonWhite in 2010, and quickly established himself as a highly effective family law attorney with the perfect balance of assertiveness and compassion. Tim is often complimented for his dedication to professional service, as he works closely with his clients to keep them informed, listen to their needs and involve them in the decision making process.

Tim handles all types of family law, including divorces, paternity actions, child custody, child support, relocation and jurisdiction issues, adoptions, termination of parental rights and parental severance actions, title 8 guardianships, spousal maintenance cases, division of marital property and debts, pre-nuptial agreements, post decree modifications and enforcement of custody and divorce orders, mediation services, grandparent visitation cases, and domestic violence issues. He is licensed to practice law in all Arizona State Courts, as well as the United States District Court, District of Arizona, and serves clients throughout the Phoenix metro area. To read more about what former clients are saying about hiring Tim, or to set up a free consultation, please visit [www.jacksonwhitelaw.com/arizona-family-law](http://www.jacksonwhitelaw.com/arizona-family-law).

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