

ASK A LAWYER (Orlando Sentinel) 6/14/10

Q: I had \$150,000 in cash when I married in 1995. I used most of that cash to buy two homes - their total worth is now \$65,000 - and I have no cash left. Most of my income comes from a monthly government disability check.

If I divorce, would my wife be entitled to one of the homes and half of my disability check, even though I paid for the homes and she's not disabled?

J.C.

DELTONA

A: In Florida, spouses generally are entitled to an equal division of "marital assets." Property you own before you get married typically is not a marital asset, while anything you buy during the marriage usually is. However, determining a marital asset can be subjective and is heavily fact-dependent.

Did your wife contribute to the routine care and maintenance of the home during the marriage? Did she contribute effort or money to home-improvement projects, home insurance or property taxes? Did she take care of your kids? Answers to these and many other questions could convince a court that houses bought with non-marital money became marital assets over the course of the marriage.

As to your disability check, it usually is not considered a marital asset. But because your marriage lasted longer than seven years, you could be required to pay alimony depending upon the relative financial situations of you and your wife.

Question answered by attorney T. Bradford Petrino of Korshak & Associates.