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**DISSOLUTION OF MARRIAGE**  
**INFORMATIONAL PACKET**

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**1. TERMINATION OF THE COMMUNITY UPON SERVICE OF THE PETITION**

Arizona has adopted a statute which terminates the community upon the service of a Petition for Dissolution of Marriage. This means that once the Petition is served, although you will not be divorced, the community will no longer exist for purpose of debt and asset acquisition. Any debt incurred by either of you will be your sole and separate debt unless the Court orders otherwise. Each party's earnings becomes that person's sole and separate earnings.

Any asset acquired as a result of his or her earnings becomes that person's sole and separate asset as long as it is kept clearly separate and can be identified as such. It therefore becomes important for you to keep a separate bank account for your earnings and any other separate income you receive post-service.

**2. TEMPORARY ARRANGEMENTS**

This new statute also presents complications that may need to be resolved by a formal temporary agreement. For example, if you continue to pay the mortgage on the residence while your spouse lives there, you may want to call the payment spousal maintenance and obtain the deduction for the payment. If you make any payments to your spouse or on your spouse's behalf, without a Court Order or written agreement to the contrary, they will not count as spousal maintenance for tax purposes and may be considered a gift if you look for reimbursement later. If you earn less than your spouse, it will be important to establish a support order early on.

**3. PRELIMINARY INJUNCTION**

In every case a Preliminary Injunction is issued against both parties. You are not allowed to sell, transfer encumber or dissipate any joint assets except in the ordinary course of business or to pay your reasonable attorney's fees. Joint assets can be assets that are in one party's name alone. If in doubt about any particular transaction, please ask me. Let me know immediately if you learn your spouse has violated it. You should be aware that the injunction prevents either of you from changing insurance coverage or the beneficiaries of insurance coverage from taking the children out of state or from harassing one another. If you have any

questions whatsoever if a particular action will violate the Preliminary Injunction, please contact me. Violation of the Injunction can result in a finding of contempt which is very serious.

4. **WILL**

If you die without a Will, it is possible everything will go to your spouse. If you want to avoid this, you will need to make a Will. If you need assistance with this, please call my office.

5. **LIFE INSURANCE**

Once the Petition is filed, you must maintain in effect all life insurance in effect at that time as well as any other insurance you have along with the beneficiaries listed at the time of filing.

6. **JOINT TENANCY PROPERTY**

You and your spouse may own joint tenancy property with rights of survivorship. If either of you die during this proceeding, that person's one-half share would automatically go to the surviving spouse. If you wish to avoid this, please call me so I can prepare appropriate deeds to sever the joint tenancy.

7. **CONTACT**

Until your case is completed, please keep in contact with this office and advise us of all changes in your residence or work address or telephone number. Please be sure to provide us with a telephone number if you are going out of town for more than a day or two, because we may need to get in touch with you.

8. **LAW ENFORCEMENT**

It is important to summon law enforcement officers if your spouse is violent toward you. An Order of Protection is available to prevent your spouse from committing acts of violence. Please get in touch with me if you think such an Order might be appropriate.

9. **PARENTAL EDUCATION**

Arizona Law now requires that both parents attend Parental Education classes. You will receive a receipt and instructions from my office advising you further on this after I file the Petition/Response with the Court. Please set up your appointment promptly. You cannot be divorced until you return the green receipt that the instructor provides to you upon completion of the course.

10. **MEDIATION**

If custody or visitation is disputed, the Court requires you to attend mandatory mediation

prior to going to trial. Please let me know if you think that there will be a dispute in this area.

#### 11. **DECREE/TIMING**

Your case will not be completed until the Court has signed a decree of dissolution of marriage. This is no earlier than 61 days after service, but is usually much later. Please do not assume that the dissolution is complete, even after a trial, unless you have been present in court when the judge physically signs the Decree of Dissolution of marriage or I have specifically told you that the Decree has been signed.

#### 12. **POSSESSION OF LIQUID ASSETS**

The law now provides that each person is entitled to control or possession of one-half of your liquid assets, meaning cash, money market accounts, certificates of deposit, stock accounts and the like, but not retirement or Individual Retirement Accounts. This does not mean that you can spend the assets in those accounts as you wish -- they are still subject to the Preliminary Injunction -- but you are entitled to control them. You should discuss with me any significant use of the funds in your possession before you spend them to make sure your actions do not violate the Preliminary Injunction.

#### 13. **ATTORNEY'S FEES**

You are responsible for payment of your attorney's fees and costs. In some cases, the Court will order one of the parties to contribute or pay in total, the other person's attorney's fees. However, this will not alleviate your payment of any fees and costs owed to your attorney. You must pay any such fees and seek reimbursement from the person ordered to pay some or all of your attorney's fees.

#### 14. **CREDIT REPORTS**

The law now requires a credit reporting agency to give you a copy of your spouse's credit report. You should obtain one since the report may contain information useful to your financial planning and the ultimate disposition of your assets and debts. You are also entitled to obtain information directly from the creditor about your debt status. There will be a form attached to the Petition indicating these rights, which also includes a sample letter to creditors. If you wish to have a copy of this form prior to filing, please let me know.

#### 15. **DEDUCTIBILITY OF FEES**

Some of your fees may be deductible for tax purposes. You will need to speak to your tax advisor regarding this issue. To assist you, I will prepare my billing statements in as detailed a fashion as possible. Please provide these statements to your tax advisor to determine early on if the level of detail is sufficient to enable him or her to determine if the fees are tax deductible. If I do not hear from you or your tax advisor regarding this issue after each bill, I will assume that the detail is sufficient.