

FACTORS FOR DIVISION OF PROPERTY & DEBT **SPOUSAL SUPPORT**

The Court, in dividing property and debt, will consider the following factors which were set forth in Ruff v. Ruff and Fischer v. Fischer. These two cases were decided by the North Dakota Supreme Court in the 1960's and have been affirmed and cited in hundreds of cases to date. These factors, referred to as the Ruff-Fischer Guidelines, are:

1. the respective ages of the parties;
2. their earning ability;
3. the duration of the marriage;
4. the conduct of each during the marriage;
5. their station in life;
6. the circumstances and necessities of each;
7. their health and physical condition;
8. their financial circumstances as shown by the property owned at the time, its value at that time, and its income-producing capacity, if any;
9. whether the property was accumulated or acquired before or after the marriage;
10. such other matters as may be material.

North Dakota does not have a "non-marital property" law. Therefore, any property owned by either spouse is taken into consideration when the court makes its equitable award. (Please remember equitable may not mean equal.)

In order for us to advise you about your property rights, you will ultimately have to provide us with a list of all your property and debts. You may want to begin this procedure now.

The Ruff-Fischer Guidelines are also used for spousal support determinations.