

Marital and Non-marital Property in Minnesota

Upon a dissolution of marriage, an annulment, or any proceeding for division of property the Court is to make a just and equitable division of the marital property of the parties without regard to marital misconduct. This does not necessarily mean that the property must be divided equally.

The Court is to make specific findings regarding the division of property and to base its findings on all relevant factors including the following:

- (1) Length of marriage;
- (2) Any prior marriage of a party;
- (3) Age of each party;
- (4) Health of each party;
- (5) The stations of each party;
- (6) The occupation of each party;
- (7) The amount and sources of income of each party;
- (8) Vocational skills of each party;
- (9) Employability of each party;
- (10) Estate of each party;
- (11) Liabilities of each party;
- (12) Needs of each party; and
- (13) Opportunity for future acquisition of capital assets and income of each party.

The Court is also to consider the contribution of each, the acquisition, preservation, depreciation, or appreciation in the amount or value of the marital property, as well as the contribution of the spouse as a homemaker.

All property is presumed to be marital property regardless of how the title is held.

If a party claims that a particular asset is non marital, the party making that claim has the burden of proving that fact beyond the preponderance of the evidence. Non-marital property is only subject to division in a dissolution under certain circumstances.

Non-marital property is defined as being:

- (1) Acquired as a gift, bequest, devise, or inheritance made by a third party to one but not to the other spouse;
- (2) Acquired before the marriage;
- (3) Acquired by a spouse after the valuation date;
- (4) Excluded by a valid antenuptial agreement; or
- (5) Acquired in exchange for, or is the increase in value of, property described in clauses (1), (2), (3), and (4), above.