

**FINAL EXAM
COMMUNITY PROPERTY
PROFESSOR JANICE KOSEL
FALL 2008**

1. You have **two (2) hours** to complete this exam.
2. This is a closed book exam.
3. This exam consists of one part, an essay question. Please write your response in the blue books provided. Please write clearly. Write on every other line and every other page to permit instructor comments.
4. Write your exam number on your exam envelope. Put your correct class section and student exam number at the top of this page, each page of questions, and each blue book. **Do not** use your name, student ID number or Social Security number on any exam materials.
5. If you believe you need you need any additional factual information, reveal exactly what it is and how it will affect your answer.
6. At the conclusion of the exam, return all test materials, including blue books, scratch paper, and this exam packet envelope and submit it to the proctor. **DO NOT** seal the envelope. Students who do not return all exam materials at the end of the exam may not be graded.

GOOD LUCK!

EXAM QUESTION

Harold and Wanda married in 2005. They met at a New Year's party. Wanda was the firefighter/paramedic who responded to a 911 call when Harold thought he was having a heart attack. It turned out to be only indigestion.

The scare was a real wake-up call for Harold. He re-examined his life, readjusted his priorities, and proposed to Wanda only ten days later. Harold's sister, a New York lawyer, tried to get Harold to wait a bit. She was unsuccessful in that goal but did persuade Harold to get Wanda to sign a simple one sentence agreement before they wed: "We agree to marry but to maintain all of our property interests as if we had not." Harold and Wanda were married on February 14, 2005.

Wanda moved into Harold's home. He continued to make all mortgage payments from his checking account. After Wanda moved in, she insisted on Harold putting in a fire alarm and security system at a cost of \$10,000.

Harold deposited his earnings as a chef (he has operated his own restaurant in the Castro for twenty years) and dividends from his stock investments into his checking account. (Harold gave his stockbroker discretion over the account years ago; Harold gets a monthly statement but generally doesn't even bother looking at it.) From his checking account, Harold paid the mortgage and utilities. And he wrote checks to his former wife in the amount of \$2,500 a month for child and spousal support.

Wanda deposited her earnings into her checking account. From that account, she paid the couple's other living expenses.

Unbeknownst to Harold, Wanda made a campaign contribution of \$10,000 to the Yes on Proposition 8, anti-gay marriage campaign from funds in her checking account. The contribution was disclosed in the newspaper after the election and anti-proposition 8 electors have organized a picket line and boycott at Harold's restaurant. Patronage has dropped by two-thirds.

Harold wants a divorce. When he told Wanda that he thought they could do it themselves, Wanda demurred. Her attorney has already told her that, while Harold may have a claim to a small portion of her defined benefit firefighter pension plan, she has a good claim against Harold's house, restaurant, bank account, and stock portfolio and a claim for reimbursement for the security system and family support.

Advise Harold.

END OF EXAM