



570024

CHAMBER ACTION

Senate

House

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Floor: 2/AD/2R
4/23/2008 3:06 PM

1 Senator Joyner moved the following **amendment**:

2
3 **Senate Amendment (with title amendment)**

4 Delete line(s) 76-89

5 and insert:

6 3. All personal property titled jointly by the parties as
7 tenants by the entireties, whether acquired prior to or during
8 the marriage, shall be presumed to be a marital asset. In the
9 event a party makes a claim to the contrary, the burden of proof
10 shall be on the party asserting the claim that the subject
11 property, or some portion thereof, is nonmarital.

12 4. The burden of proof to overcome the gift presumption
13 shall be by clear and convincing evidence.

14 (11) Special equity is abolished. All claims formerly
15 identified as special equity, and all special equity
16 calculations, are abolished and shall be asserted either as a
17 claim for unequal distribution of marital property and resolved



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18 | by the factors set forth in subsection (1) or as a claim of
19 | enhancement in value or appreciation of nonmarital property.

20 |
21 | ===== T I T L E A M E N D M E N T =====

22 | And the title is amended as follows:

23 | Delete line(s) 13

24 | and insert:

25 | provisions to the abolition of special equity; providing
26 | an