



PERCENTAGE DIVISION

*Written by John Stocks
Attorney at Law*

Client: I heard that no matter what, the court is going to divide our marital assets 50%-50% when I get a divorce from my husband. Is that true? Is that fair? Can I get more than 50% of the assets?

Lawyer: In my practice, the most common shock that my clients hear from me in a divorce case is that a division of assets does not always mean 50%-50% and the court can divide the assets unequally. Unequally does not necessarily mean unfairly. What this means is that one spouse could get a higher percentage, such as 70% of the assets, or 60% of the assets, for e.g.. Why? The reason is that one spouse may have higher earning capacity and can make up the difference in a short time. Another reason might be to give the spouse without (or with less) income earning potential certain assets that can be liquidated for needs or wants in the future. Remember, all assets of a marriage must be divided, including businesses, investments, and retirement plans. I spend a lot of my practice advising clients relating to evaluating their assets and dividing them fairly.

Lawyer, John S. Stocks, answers questions posed to him by clients and/or by e-mails on the subject of FAMILY LAW.

Feel free to submit your family law question to John via e-mail. There is no charge for this and your question may appear in a future column. E-mail your question to: jstocks@vansiclen.com



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