



In re the Marriage of Capparelli

2024 | Cited 0 times | Colorado Court of Appeals | September 19, 2024

SUMMARY

September 19, 2024

2024COA103

No. 23CA1114, In re the Marriage of Capparelli

Family Law

Dissolution

Disposition of Property

Property Purchased

During the Marriage

Marital Debt

Maintenance

In this dissolution of marriage case, husband challenges the district court's allocation of property and award of maintenance. A division of the court of appeals concludes that the district court erred when it classified a portion of a jointly titled asset as wife's separate property and designated a portion of a debt acquired during the marriage as husband's separate debt. With respect to the jointly titled asset, the division concludes that although wife presented evidence tracing a portion of the jointly titled asset back to her separate premarital property, she failed to present any evidence beyond tracing that the parties intended for any portion of the jointly titled asset to remain her separate property. Based on the summaries of the Colorado Court of Appeals published opinions constitute no part of the opinion of the division but have been prepared by the division for the convenience of the reader. The summaries may not be cited or relied upon as they are not the official language of the division. Any discrepancy between the language in the summary and in the opinion should be resolved in favor of the language in the opinion.

this, the division concludes that wife failed to overcome, by clear and convincing evidence, the presumption that the jointly titled property is marital property. Based on these errors, the division reverses the district court's judgment and remands the case for the district court to reconsider the entire property and debt allocation. And because property division and maintenance are inextricably intertwined, the division also remands the case to the district court for it to reconsider the maintenance award based on the new property and debt allocations and the parties' current economic circumstances.



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