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Real Property Issues in Family Law: An Annotated Bibliography

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Real Property Issues in Family Law: An Annotated Bibliography

by
Allen Rostron©*

This bibliography covers issues relating to real property that may be significant for family law attorneys.

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Divorce

Virginia H. Abiassi, *Helpful Hints on Handling Real Property Issues During a Divorce*, HOUS. LAW., Jan./Feb. 1994, at 29 (providing advice, from the perspective of a title company, to help family law attorneys avoid problems with conveyances and recording of property in divorce cases).

Margaret A. Bennett, *The Real Estate Lawyer's Divorce Primer (and the Divorce Lawyer's Guide to Real Estate)*, ILL. B.J., Sept. 1998, at 488 (reviewing the key aspects of family law that real

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estate attorneys need to understand in order to avoid unintentionally disadvantaging a spouse if a divorce occurs, as well as the primary things that matrimonial attorneys must understand in order to avoid preparing defective property conveyances).

David W. Griffin, *It's Nearly Always About the House*, FAM. ADVOC., Spring 2010, at 8 (providing a helpful primer on the basic issues surrounding real property interests in divorce cases, including the different forms of ownership of real property, the initial steps that should be taken by a lawyer at the outset of a case, drafting contracts, handling conveyancing of property, searching land records, and dealing with foreclosures).

Robert J. Levy, *An Introduction to Divorce-Property Issues*, 23 FAM. L.Q. 147 (1989) (giving a basic introduction to the identification, characterization, valuation, and distribution issues concerning property in a divorce proceeding).

Brett R. Turner, *Active Appreciation: Marketing, Promotional, and Lobbying Activity*, EQUITABLE DISTRIBUTION J., June 2004, at 61 (explaining the distinction between active appreciation and passive appreciation, which depends on whether the increase in the value of separate property was caused by marital contributions, and how this distinction was applied in a Virginia case concerning a real estate developer).

Brett R. Turner, *Division of Third-Party Property in Divorce Cases*, 18 J. AM. ACAD. MATRIM. LAW. 375 (2004) (analyzing situations in which the marital home or other property of a divorcing couple is titled in the name of a third party, describing the general rule that third-party property is not subject to division in the divorce proceeding, and discussing exceptions that would allow for division of the property).

Brett R. Turner, *Transfers to Avoid Creditors*, EQUITABLE DISTRIBUTION J., Sept. 2006, at 97 (discussing situations in which a married person has transferred legal title to an asset to the person's spouse in order to protect that property from claims of creditors, analyzing court decisions about such situations, and discussing the extent to which courts should apply estoppel or unclean hands doctrines to prevent the transferor from claiming

to still have an ownership interest in the property for purposes of divorce proceedings).

Marc J. Veilleux, *Long v. Long, Law Court Ruling Changes the Disposition of Joint Real Property on Divorce*, 50 ME. L. REV. 471 (1998) (discussing the equitable disposition of real property in divorces in Maine and recommending enactment of legislation creating a presumption that joint property is marital property).

Dower and Curtesy

Ariela R. Dubler, *In the Shadow of Marriage: Single Women and the Legal Construction of the Family and the State*, 112 YALE L.J. 1641 (2003) (examining the abolition of dower in New York and using this history to explore broader issues about policies concerning marriage and the social and economic status of unmarried women).

J. Cliff McKinney, *With All My Worldly Goods I Thee Endow: The Law and Statistics of Dower and Curtesy in Arkansas*, 38 U. ARK. LITTLE ROCK L. REV. 353 (2016) (describing how the ancient doctrines of dower and curtesy, giving a surviving spouse a life estate in the land of a deceased spouse, continue to apply in Arkansas and providing the results of an empirical study that may inform Arkansas legislators contemplating the elimination or alteration of these doctrines).

Joslyn R. Muller, *Haven't Women Obtained Equality? An Analysis of the Constitutionality of Dower in Michigan*, 87 U. DET. MERCY L. REV. 533 (2010) (discussing how Michigan is one of the few remaining states with a dower system that is not gender neutral, analyzing whether it violates equal protection rights, and providing a survey of relevant statutes from all fifty states).

Elder Law

Gretchen W. Corbell, *Protecting Senior Citizens' Homes Against Real Estate Fraud*, EXPERIENCE, Fall 2002, at 16 (warning about how elder clients may be victimized by predatory home loans and other types of real estate fraud).

Linda S. Ershow-Levenberg, *Preserving the Primary Residence: The Minefield of Real Estate Transactions in Elder Law Planning*,

EXPERIENCE, Summer 2014, at 13 (providing advice for attorneys with elder clients seeking to ensure their financial security while preserving and passing on the family home to their heirs).

Theresa M. Mohan, *You Cannot Change 500 Years of Property Law at 5:00 p.m. on a Friday – Dower as Applied in Kentucky*, 33 N. KY. L. REV. 335 (2006) (providing practical advice for attorneys dealing with dower issues arising in real property transactions in Kentucky).

Environmental Problems

Louise B. Raggio & Grier H. Raggio, Jr., *The Environment and Your Divorce Client*, FAM. ADVOC., Spring 1990, at 60 (advising family law attorneys about how to handle situations where a client receives property in a divorce but then discovers that it has environmental hazards).

Farms

Hannah Alsgaard, *Rural Inheritance: Gender Disparities in Farm Transmission*, 88 N.D. L. REV. 347 (2012) (discussing why family farms continue to be passed on primarily to sons rather than daughters and arguing that reforms to address this disparity could include educating family and estate planning attorneys about the problem, supporting opportunities for women in agricultural education, and programs to encourage parents to think about gender fairness when making decisions about the future of their farms).

Tara J. Miller, Note, *Divorce & Farmland: What Is the Best Solution?*, 22 DRAKE J. AGRIC. L. 89 (2017) (arguing that Iowa farmland is often not valued correctly in divorce cases, observing that divorces are causing the amount of land being farmed to decline, and proposing solutions such as mediation, collaborative divorce, and the use of financial valuations and advisors).

Tyler Slack, Note, *Bridging the Gap: Farm Transition Challenges Facing Elder Farmers and the Need for a Nationwide Farm-On Program*, 20 ELDER L.J. 485 (2013) (discussing the challenges facing elder farmers and the potential benefits of a national program matching retiring farmers with potential successors seeking to acquiring land for farming).

John S. Slowiaczek & David A. Domina, *The Equitable Distribution of Farms*, 18 J. AM. ACAD. MATRIM. LAW. 357 (2003) (examining the different approaches to equitable distribution of farms in Midwestern states and how these policies may tend to over-protect farmers at the expense of their spouses).

Robert E. Wells, Jr., *Valuing Farms*, FAM. ADVOC., Winter 2003, at 26 (providing advice for attorneys dealing with the valuation of farmland or farming operations).

History

Christopher Collier, *The Campaign for Women's Property Rights: Sarah Banks's Story*, 54 AM. J. LEGAL HIST. 378 (2014) (relating the story of a woman imprisoned in Connecticut in the 1860s after making a bad decision to marry an unscrupulous man and then refusing to accept that he was entitled to possession of all of her property).

Hannah Haksgaard, *The Homesteading Rights of Deserted Wives: A History*, 99 NEB. L. REV. 419 (2020) (explaining how deserted wives were in a legal netherworld without clear legal rights under federal land-grant legislation in the late nineteenth and early twentieth centuries, discussing claims about homestead rights brought to the Department of the Interior by deserted wives in that era, and examining how this history reflected prevailing norms about marriage).

Janet Loengard, *Interpretation and Re-Interpretation of a Clause: Magna Carta and the Widow's Quarantine*, 25 WM. & MARY BILL RTS. J. 403 (2016) (exploring the origins and use of the widow's quarantine, which protected a widow from being evicted from her home for forty days after her husband's death, in pre-modern England and in America).

Alison D. Morantz, *There's No Place Like Home: Homestead Exemption and Judicial Constructions of Family in Nineteenth-Century America*, 24 L. & HIST. REV. 245 (2006) (explaining how statutes creating homestead exemptions to protect family homes from creditors required courts in the nineteenth century to define terms like "family" and "head of family," telling the story of a former slave in Texas who sued the estate of her former master

seeking to establish a homestead right to farm his land after his death, and contending that the judicial decisions in such cases reveal tensions in the prevailing ideology of family, gender, and property in that era).

Inara K. Scott, *A Window for Change: Conflicting Ideologies and Legal Reforms in Late Nineteenth-Century Oregon*, 37 WILLAMETTE L. REV. 433 (2001) (discussing how legislation enacted in Oregon in 1850, giving women a right to claim free land, increased the number of women owning significant amounts of land and affected the development of attitudes toward women, marriage, and divorce).

International Perspectives

Yu Di, Note, *Marriage Is Between a Man and a Woman and . . . : Latest Evolution of Marital Residence Regime in Contemporary China*, 88 CHI.-KENT L. REV. 1013 (2013) (examining the development of marital property distribution laws and the treatment of marital gifts of housing in China, comparing China's approach to U.S. views on marital residences, and arguing that China's bright-line rule based on whose name appears on the property's title produces inequitable results).

H. Ray Liaw, Comment, *Women's Land Rights in Rural China: Transforming Existing Laws into a Source of Property Rights*, 17 PAC. RIM L. & POL'Y J. 237 (2008) (examining how land reform policies meant to benefit farmers in China have deprived women of rights to land at marriage, divorce, and widowhood).

Marital Homes

Melissa J. Avery, *The Marital Residence and Other Black Holes: Dealing with Real Estate in Divorce*, RES GESTAE, Oct. 2009, at 30 (examining how the economic recession and downturn in housing markets in 2008 complicated the handling of real estate for divorcing couples).

Sidney S.F. Bennett, *Property Thrust and Parry*, FAM. ADVOC., Winter 1998, at 27 (describing how divorcing couples sometimes may have to share the marital home until the divorce is finalized, unless there is a basis for one of the spouses to be given exclusive possession).

Joseph W. Cunningham, *The Marital Residence: Who Benefits from the Sale and Deductions?*, GPSOLO, Sept. 2005, at 22 (reviewing the key tax issues relating to the family residence that arise in the divorce context, including taxation of gains from sales of homes and the deductibility of mortgage interest and real estate taxes).

Kara Francis, Comment, *A Remedy Beyond Reach: The Stringent Standard in Illinois for Exclusive Possession of the Marital Home During Divorce Proceedings*, 63 DEPAUL L. REV. 803 (2014) (discussing how Illinois law makes it too difficult for a spouse in a high-conflict divorce situation to obtain a court order providing for exclusive possession of the marital home and proposing the adoption of a “balance of the hardships” standard that would make it easier to obtain such an order).

Sarah Bolling Mancini & Alys Cohen, *Surviving the Borrower: Assumption, Modification, and Access to Mortgage Information After a Death or Divorce*, 43 PEPP. L. REV. 345 (2016) (examining the problems that arise when a spouse acquires a home through divorce, the home is subject to a mortgage, and the mortgage servicer refuses to allow the non-borrower spouse to have access to information about the mortgage or the right to seek to modify or assume the loan).

Marital Home, FAM. ADVOC., Spring 2013, at 30 (providing a set of standard provisions for agreements made by divorcing spouses, including language about taxes, mortgages, insurance, repairs, and sales).

Marital Home Titled in Parents' Names, EQUITABLE DISTRIBUTION J., Oct. 1997, at 109 (discussing scenarios where a divorcing couple's marital home is owned by one of the spouse's parents or is on land owned by one of the spouse's parents).

Robert M. Schwartz, *The Bursting Bubble—Dealing with the Marital Home During a Real Estate Recession*, FLA. B.J., July/Aug. 2009, at 52 (discussing issues that may arise for divorcing couples and their attorneys when an economic downturn drives down home prices).

Gus G. Tamborello, “*A House Divided*”: *The Rights and Duties of Homesteaders, Life Tenants & Remaindermen*, 9 *EST. PLAN. & COMMUNITY PROP. L.J.* 29 (2016) (explaining how homestead protection laws affect possession and control of a family’s assets, particularly real estate, and assessing how the rights and responsibilities associated with homesteads compare to those of life tenants, remaindermen, and co-tenants).

Brett R. Turner, *Marital Home Update*, *EQUITABLE DISTRIBUTION J.*, Apr. 2005, at 37 (reviewing cases on the fate of the marital home in divorce proceedings).

Brett R. Turner, *Unlikely Partners: The Marital Home and the Concept of Separate Property*, 20 *J. AM. ACAD. MATRIM. LAW.* 69 (2006) (arguing that the classification of a marital home as marital property or separate property should be made under the same rules that apply to other assets, rather than being subject to special rules of classification).

Mineral Rights and Other Special Forms of Real Property Rights

Nicole Boyle Kairys, *Shale-Oil Era Complicates Land Valuation in Divorce*, *LAWYERS J.*, Mar. 18, 2016, at 8 (discussing how the oil and gas boom has complicated land valuation issues for family law attorneys).

Bryan Mackay, Comment, *Marriage and Minerals in Texas: Confronting the Community Property Presumption and Potential Improvements in California*, 5 *EST. PLAN. & COMMUNITY PROP. L.J.* 195 (2012) (examining what attorneys should know about how marriages can affect ownership of land’s mineral interests).

Mariana Pedroza, Comment, *Dividing the Intangible: An Examination of Community Property in a World of Contingent Revenue*, 13 *EST. PLAN. & COMMUNITY PROP. L.J.* 547 (2021) (critiquing how Texas law does not treat oil and gas royalties as community property, even though income generated from separate property during a marriage is normally deemed to be community property).

J. Lindsey Short, Jr., *Oil & Gas*, FAM. ADVOC., Winter 2003, at 34 (providing advice for family law attorneys dealing with divorces involving land with oil, gas, or other mineral interests).

Michael J. Van Zandt, *Unique Real Property Rights of Seniors in the Western United States*, EXPERIENCE, Summer 2014, at 26 (discussing the many special types of real property rights that are common in the western United States, such as mineral rights, timber harvesting rights, water rights, and grazing rights).

Reverse Mortgages

Jeffrey A. Asher, *What to Know Before Adding a Reverse Mortgage to Your Retirement Plan*, EXPERIENCE, Oct./Nov. 2016, at 14 (providing a basic explanation of the pros and cons of including reverse mortgages in retirement or long-term care plans).

Paul V. Black, *Reverse Mortgages and the Current Financial Crisis*, NAELA J., Spring 2012, at 87 (discussing the potential risks of reverse mortgages, including predatory lending tactics and loss of eligibility for Medicaid or other benefits).

D. Steve Boland, *Reverse Mortgages Can Help Seniors Meet Their Financial Needs*, 36 EST. PLAN. 29 (2009) (explaining the potential benefits of reverse mortgages as a tool for supplementing retirement income, from the perspective of a reverse mortgage provider).

Eric J. Brenner, Note, *Reverse Mortgages and Elderly Americans: Protecting the Greatest Asset from Potentially Misleading Advertising Practices*, 80 ALB. L. REV. 569 (2017) (recommending that New York adopt new measures to alleviate risks of reverse mortgages for older people, including requiring clear disclosures of terms and imposing a duty of good faith on sales staff).

Sam Brittingham, Note, *Aging Out of Place: The Toll of Reverse Mortgages and How to Fix the Program*, 29 ELDER L.J. 149 (2021) (describing the potential benefits and risks of reverse mortgages and arguing that reverse mortgage programs should be improved through enhanced counseling requirements, larger cash incentives, and annuity enhancements).

Ryan Class, *You Can Go Home Again: Achieving the Goals of HUD's Reverse Mortgage Program While Protecting Non-Borrower Spouses and Other Heirs*, 37 REV. BANKING & FIN. L. 413 (2017) (examining the risks of reverse mortgages for surviving spouses who were not parties to the original reverse mortgage transaction and face foreclosure when the borrowing spouse dies, as well as the difficulty facing heirs who do not know they have the right to purchase a house secured by a reverse mortgage when the borrower dies).

Andrew C. Helman, *Putting Equity Back in Reverse Mortgages: How State Legislatures Can Bring Fairness to Home Equity Conversion Mortgages*, 12 MARQ. ELDER'S ADVISOR 415 (2011) (arguing that legislatures should enact measures to curb abusive practices associated with reverse mortgage products, while simultaneously inducing private lenders to offer reverse mortgages that are safe and can help seniors generate income and remain financially secure while aging with dignity).

Ben Jakubowicz, Note, *What the HECM Is a Reverse Mortgage: The Importance of the Home Equity Conversion Mortgage in an Aging America*, 54 U. LOUIS. L. REV. 183 (2016) (asserting that Home Equity Conversion Mortgages, the most popular type of reverse mortgage loan in the United States, do not adequately protect the interests of senior homeowners and arguing that the best remedy would be to replace for-profit mortgage providers with government-sponsored providers).

Jennifer Juergens, Comment, *Reverse Mortgage Complexity Is Negatively Impacting Older Americans*, 6 HOUS. L. REV.: OFF RECORD 209 (2016) (reviewing the regulations governing reverse mortgages, proposing disclosure requirements and other solutions to reduce the complexity of reverse mortgages, and describing alternatives to reverse mortgages).

Dan Latona, Note, *Reversing Course: Strengthening Consumer Protections for Reverse Mortgages*, 23 ELDER L.J. 417 (2016) (arguing for stronger regulation of reverse mortgages to address deceptive advertising and aggressive sales tactics that lead borrowers to make bad financial decisions).

Wendy Little Schieke, *The Advisability of Reverse Mortgages to Pay for Care Needs*, MD. B.J., May/June 2014, at 26 (examining the risks and benefits of using reverse mortgages to pay for long-term care and comparing other options such as home equity loans, long-term care insurance, and government programs such as Medicaid or veteran's benefits).

Sarah B. Mancini & Odette Williamson, *Reversing Course: Stemming the Tide of Reverse Mortgage Foreclosures Through Effective Servicing and Loss Mitigation*, 26 ELDER L.J. 85 (2018) (discussing the federally-insured reverse mortgage program, explaining how it can help financially vulnerable elders to continue living in their homes but convert their home equity to cash, and arguing that a strong program of mortgage servicing and loss mitigation would help to address the difficult challenges resulting from increasing numbers of insurance claims and property charge defaults by reverse mortgage borrowers).

Nat'l Acad. of Elder Law Attorneys, *Using a Reverse Mortgage to Pay for Health Care*, EXPERIENCE, Fall 2006, at 19 (explaining how reverse mortgages can be a valuable mechanism for covering the costs of senior health care in some circumstances).

Eric Rittmeyer, *Sorting Through the Confusion Surrounding Reverse Mortgages*, EXPERIENCE, Apr./May 2019, at 14 (contending that reverse mortgages are a safe and useful way for seniors to access their home equity and most of the negativity surrounding them is inaccurate).

René L. Robertson, Note, *"But It's My House, Too": HUD's Failure to Include Statutorily Required Protections for Non-Borrowing Spouses in Reverse Mortgage Regulations*, 27 QUINNIPIAC PROB. L.J. 94 (2013) (reviewing cases about claims brought by non-borrowing spouses after the deaths of spouses who entered into reverse mortgage transactions and recommending the issuance of new regulations to ensure that non-borrowing spouses receive the protection intended by Congress).

Debra Poggrund Stark et al., *Complex Decision-Making and Cognitive Aging Call for Enhanced Protection of Seniors Contemplating Reverse Mortgages*, 46 ARIZ. ST. L.J. 299 (2014) (analyzing

the factors, from a legal and psychological standpoint, that influence the effectiveness of current regulations and counseling protocols for seniors making decisions about reverse mortgages).

Elliot Wong & Ingrid Evans, *Protecting Borrowers from the Pitfalls of Reverse Mortgages*, EXPERIENCE, Summer 2014, at 20 (describing the risks of reverse mortgages, particularly for borrowers who do not fully understand the terms and financial consequences of the transaction and may purchase unsuitable financial products in conjunction with the reverse mortgage).

Eric D. Yordy, *Grandma's Living Large: Her Reverse Mortgage—Saving Grace or Terrific Waste? An Ethics Case Study*, 17 J.L. BUS. & ETH. 91 (2011) (presenting a case study, involving the promotion of reverse mortgages for retired homeowners, to use with students studying business ethics).

Taxation

Katie Babe, *Property Tax Relief for the Elderly: A Survey of the Nation*, 6 MARQ. ELDER'S ADVISOR 325 (2005) (reviewing various types of programs designed to make it easier for elderly people to afford the cost of their homes, such as homestead exemptions, credits, rebates, deferrals, and assessment freezes).

Robert C. Christopherson, Note, *Missing the Forest for the Trees: The Illusory Half-Policy of Senior Citizen Property Tax Relief*, 13 ELDER L.J. 195 (2005) (analyzing the public policy benefits and drawbacks to property tax relief programs for the elderly).

Melvyn Frumkes, *Sale of the Marital Residence*, FAM. ADVOC., Fall 2014, at 43 (reviewing the basic provisions of the Internal Revenue Code concerning gain on the sale of a home).

James John Jurinski, *All in the Family: New Divorce Tax Rules for Real Estate-Owning Couples*, 46 REAL EST. TAX'N 4 (2019) (discussing how divorce tax planning and divorce negotiations will be affected by provisions of the Tax Cuts and Jobs Act of 2018, including the elimination of tax deductions for alimony payments and the enactment of new limits on deductions for state and local taxes and residential mortgage interest).

Neil D. Katz & Gina M. Digaudio, *The Tax Implications of Divorce Part II—Property Transfers, Home Sale, Dependency Exemption and Administrative Issues*, 127 J. TAX'N 274 (2017) (reviewing the tax issues arising from the sale of the marital home and other property transfers).

Matthew J. Meyer, Note, *The Hidden Benefits of Property Tax Relief for the Elderly*, 12 ELDER L.J. 417 (2004) (examining how property tax relief programs benefit families and communities by enabling elderly people to remain in their homes, but warning that such programs should be fine-tuned to ensure they target elderly individuals who really need the benefits of such programs).

John J. Weiler, *Tax Consequences of Real Estate Transactions in Divorce*, GPSOLO, Apr./May 2001, at 52 (discussing the tax issues typically encountered by divorcing couples with real estate).

Transmutation

Laura W. Morgan & Edward S. Snyder, *When Title Matters: Transmutation and the Joint Title Gift Presumption*, 18 J. AM. ACAD. MATRIM. LAW. 335 (2003) (describing how the title system for distribution of property during divorces has been replaced by community property and equitable distribution systems, but title did not become completely meaningless in divorce proceedings because title to property remains important in situations where a change in title from one spouse to both spouses, or vice versa, may have brought about a transmutation of the property's classification).

Marlene Eskind Moses & Manuel Benjamin Russ, *Understanding the Complexities of Separate and Marital Property*, TENN. B.J., Sept./Oct. 2022, at 44 (reviewing the concept of transmutation under Tennessee law and discussing cases in which spouses used separate property to purchase a marital residence).

Reverse Transmutation, EQUITABLE DISTRIBUTION J., Jan. 2000, at 1 (examining the circumstances under which marital property can be transformed into separate property through reverse transmutation by gift).

Transmutation: Changing the Character of Property, EQUITABLE DISTRIBUTION J., Apr. 1997, at 37 (reviewing appellate cases about transmutation of property, including situations involving transfers of separate property into joint title).

Marshall S. Zolla & Deborah Elizabeth Zolla, *Divided Duty*, L.A. LAW., Feb. 2021, at 24 (explaining how estate planning attorneys representing a married couple often do not consider how estate planning documents may affect a spouse's rights if the couple divorces, with examples including cases about whether estate planning documents brought about a valid transmutation of property).

Trusts

Randall J. Gingiss, *Funding Marital Trusts with Special Assets*, GP SOLO & SMALL FIRM LAW., Sept. 1998, at 16 (discussing situations in which residences or other non-productive assets may be put in marital trusts in order to enable the surviving spouse to continue to use the assets).

Marielle F. Hazen, *The Fiduciary Pitfalls of Managing Special Needs Trusts That Own Real Estate*, NAELA J., Spring 2017, at 1 (analyzing the challenges and risks that trustees face when a trust for a beneficiary with special needs owns a home or other real property).

Terry Prendergast, *South Dakota Special Spousal Property Trusts: South Dakota "Steps Up" to the Plate and Hits a Home Run for Surviving Spouses*, 61 S.D. L. REV. 431 (2016) (explaining how legislation providing for creation of special spousal trusts can enable surviving spouses in all states to obtain a tax benefit similar to that enjoyed by surviving spouses in community property states).

Jay A. Soled et al., *Funding Marital Trusts: Mistakes and Their Consequences*, 31 REAL PROP. PROB. & TR. J. 89 (1996) (describing common mistakes made by attorneys handling the funding of marital trusts in estate administration, the consequences of these mistakes, and how to remedy them).

Valuation

William W. Hood, *How to Cross-Examine a Real Estate Appraiser*, FAM. ADVOC., Spring 1986, at 35 (providing advice and sample questions for cross examination of an opponent's real estate appraiser).

Howard Jackson, *There's No Place Like*, FAM. ADVOC., Spring 1995, at 41 (discussing the types of property that are particularly difficult to value).

Shari A. Levitan et al., *Realizing the Full Value of Hard to Value Assets*, 34 J. AM. ACAD. MATRIM. LAW. 133 (2021) (analyzing the types of property, including co-owned real estate, that often pose difficult valuation issues).

Matthew C. Lucas, *Valuing the Marital Home*, FLA. B.J., Apr. 2014, at 8 (discussing legal issues relating to valuation of the marital home and other real property, including principles for determining property value and evidence that is relevant in determining the fair market value of property).

Cindy Perusse, *Evidence Without Experts: Property Issues*, FAM. ADVOC., Fall 2013, at 22 (recommending ways to prove the value of the marital home or other property in situations where the client cannot afford to pay for an expert witness).

Marisa C. San Filippo, Comment, *Valuation of the Family Home: Why Feminist Theory Supports the Exclusive Use of Appraisers as Experts when the Wife Wants to Keep the Home*, 42 U.S.F. L. REV. 539 (2007) (explaining how California permits real estate salespersons as well as licensed appraisers to testify as valuation experts in divorce cases, asserting that overvaluation of family homes disadvantages divorcing women seeking to remain in the family home, and arguing that allowing only licensed appraisers to testify would result in more uniformity and accuracy in valuation of homes).

John F. Shampton, *Statistical Evidence of Real Estate Valuation: Establishing Value Without Appraisers*, 21 S. ILL. U. L.J. 113 (1996) (identifying the disadvantages of relying on the subjective opinions of appraisers and arguing that using objective evidence

to prove real estate's value would improve the reliability of valuation).

David A. Smith, *Valuation of Real Estate Partnership Interests for Non-Transactional Purposes*, 12 J. AM. ACAD. MATRIM. LAW. 175 (1994) (discussing why the valuation of a property interest, such as a real estate limited partnership, is more difficult in situations like divorce proceedings where the valuation is not followed by a sale or other transaction involving the property).

Roger F. Tibble, *The Appraisal: What's It Worth?*, FAM. ADVOC., Spring 2010, at 16 (considering how lawyers in divorce cases can assess appraisals and determine what would be a fair settlement amount for marital real estate).

Brett R. Turner, *Theories and Methods for Valuing Marital Assets*, 25 J. AM. ACAD. MATRIM. LAW. 1 (2012) (presenting a thorough overview of the legal principles and methods for valuation of real estate and other marital property).

Robert M. Weinstock, *Surviving the Appraiser Shortage*, L.A. LAW., Oct. 2016, at 23 (noting the substantial decline in the number of licensed appraisers in California and elsewhere, discussing situations in which an appraisal is necessary and situations in which the use of appraisers may be avoided, and suggesting options for attorneys who may have difficulty finding appraisers).