

# SAMBOR

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Christina Sambor  
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Testimony on HB 1190  
House Judiciary Committee

Chairman Klemin and Members of the Committee:

I testify today in support of HB 1190, with the amendments described by DeAnn Pladson in her submitted testimony before this committee, as well as the additional amendments proposed herein.

In support of HB 1190, I can offer the following example which supports changing the current language in N.D.C.C. § 14-05-24(1): I recently handled a case in which the very issues raised by Ms. Pladson created barriers to settlement which complicated the parties' reaching a complete resolution. When an asset's value is set months or years prior to trial, it can create a gap between the assigned value of an asset and the actual value. For example, where a family business is awarded to one party, with a date of valuation set at the time of Summons or time of separation, the additional revenue gained by the family business between the valuation and resolution, whether by trial or settlement, in effect, "doesn't exist," as the revenues were gained after the valuation date. This situation creates significant difficulty for parties trying to settle, as the party being awarded the business does not wish to "give up" additional funds that they are technically entitled to under the law, but the other party finds it difficult, if not impossible, to agree to the other party being awarded an asset when the valuation of that asset ignores significant amounts of money and provides the other party a windfall.

The current state of the law, while understandably enacted to bring some clarity to the division of the marital estate, has had unintended consequences as a result of further interpretation, which can and should be addressed. In addition to the amendments proposed by Ms. Pladson, I would urge this committee to consider the following: In some judicial districts, pretrial conferences are not set as a matter of course, or are set to occur 14 days prior to trial. Based upon this, I suggest the following additional amendments:

- Language should be added distinguishing financial accounts/assets, of which value can be easily ascertained, from more complex assets that require professional valuation or appraisal.
- Simple financial assets should be valued by the pretrial conference date, or by their value 14 days prior to trial if the Court does not set a date for a pretrial conference.
- The value of more complex assets, such as businesses, business assets or real estate, or other assets that require professional valuation, should be set 90 days before trial.
- This distinction is not without a difference. Typically, 14 days before trial, the parties are in final preparations. Setting a valuation date of 14 days before trial would not allow the completion of complex valuations in time for disclosure to the opposing party, for trial or for commonly required pretrial preparations and filings.

Based upon the foregoing, I respectfully request that this committee recommend a do pass on HB 1190 with the amendments proposed by Ms. Pladson and the additional amendments proposed above. I would be happy to answer any questions.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of connected loops and a final horizontal stroke.

Sambor Law & Consulting, P.C.  
By: Christina A. Sambor, Esq.