

SENATE BILL NO. 2044

Introduced by

Legislative Council

(Judiciary Committee)

1 A BILL for an Act to amend and reenact section 14-05-24 of the North Dakota Century Code,
2 relating to the division of property in a divorce action.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 14-05-24 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **14-05-24. ~~Permanent alimony~~– Division of property.**

7 1. When a divorce is granted, the court shall make ~~such an~~ equitable distribution of
8 the ~~real and personal~~ property ~~and debts~~ of the parties ~~as may seem just and~~
9 ~~proper, and may compel either of the parties to provide for the maintenance of the~~
10 ~~children of the marriage, and to make such suitable allowances to the other party~~
11 ~~for support during life or for a shorter period as to the court may seem just, having~~
12 ~~regard to the circumstances of the parties respectively. The court from time to time~~
13 ~~may modify its orders in these respects.~~

14 2. Except upon a finding that excluding the property is inequitable to the other party,
15 property acquired by an individual spouse through inheritance or by gift, if titled and
16 maintained in the sole name of the donee spouse, is the property of that party and
17 is not subject to division under this section. Gifted and inherited property excluded
18 from division is defined as property acquired by an individual spouse by gift or
19 inheritance or property acquired in exchange for gifted or inherited property and
20 includes the increase in value of the property acquired by the individual spouse by
21 gift or inheritance.

22 3. Property acquired by gift from the other spouse is subject to property division under
23 this section.

- 1 4. The court may redistribute property in a postjudgment proceeding if a party has
- 2 failed to disclose property and debts as required by rules adopted by the supreme
- 3 court, or the party fails to comply with the terms of a court order distributing
- 4 property and debts.