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## Domestic Relations; Jurisdiction over Property Held in Joint Tenancy

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DOMESTIC RELATIONS; JURISDICTION OVER  
PROPERTY HELD IN JOINT TENANCY

Amends NRS 125.150

AB 334 (Committee on Judiciary); STATS 1979, Ch 125

Chapter 125 extends the jurisdiction of district courts in divorce cases to adjudicate the rights to property held in joint tenancy, and eliminates distinctions based upon sex in determining alimony and support.

A husband and wife can hold real or personal property as joint tenants, tenants in common, or as community property.<sup>1</sup> In a proceeding to terminate a marriage, a district court may divide community property and may set aside separate property or the joint tenancy interest of one party to provide future support for the other party;<sup>2</sup> however, prior to Chapter 125 a separate proceeding would have been necessary to partition property held in joint tenancy if only one of the parties requested the partition. Chapter 125 provides that in a proceeding to terminate the marriage a district court (i) shall make a just and equitable distribution of any property placed in joint tenancy on or after July 1, 1979, and (ii) may partition any joint tenancy property upon request by either party or upon the court's own motion.<sup>3</sup>

Additionally, Chapter 125 eliminates distinctions based upon sex when determining alimony and support. Under prior law, the husband could receive alimony or support only if he was disabled or unable to provide for himself.<sup>4</sup> These requirements are now removed and alimony and support will be granted on the basis of justice and equity, not upon the basis of sex.<sup>5</sup>

Don H. Gallian

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FOOTNOTES

1. NRS 123.030.
2. Jacobs v. Jacobs, 83 Nev. 73, 74, 422 P.2d 1005, 1006 (1967).
3. 1979 Nev. Stats. ch. 125 (hereinafter "Ch. 125") (amending NRS 125.150(2)).
4. 1975 Nev. Stats. ch. 744 §1, at 1588 (amending NRS 125.150(1)(e)).
5. Ch. 125 §1 ¶ 4 (amending NRS 125.150).