

**TITLE 8: FAMILY LAW AND PROBATE**  
**DIVISION 1: DOMESTIC RELATIONS**

**§ 1820. Classification of Property of Spouses.**

- (a) All property of spouses is marital property except that which is classified otherwise by this chapter.
- (b) All property of spouses is presumed to be marital property.
- (c) Each spouse has a present undivided one-half interest in marital property, subject, however, to the restrictions of N.M.I. Const. art. XII.
- (d) Income earned or accrued by a spouse or attributable to property of a spouse during marriage and after the determination date is marital property.
- (e) Marital property transferred to a trust remains marital property.
- (f) Property owned by a spouse at the determination date is individual property.
- (g) Property acquired by a spouse during marriage and after the determination date is individual property if acquired:
  - (1) By gift or a disposition at death made by a third person to the spouse and not to both spouses;
  - (2) In exchange for or with the proceeds of other individual property of the spouse;
  - (3) From appreciation of the spouse's individual property except to the extent that the appreciation is classified as marital property under 8 CMC § 1829;
  - (4) By a decree, marital property agreement, written consent, or reclassification under 8 CMC § 1823(b) designating it as the individual property of the spouse;
  - (5) As a recovery for damage to property under 8 CMC § 1832, except as specifically provided otherwise in a decree, marital property agreement, or written consent; or
  - (6) As a recovery for personal injury except for the amount of that recovery attributable to expenses paid or otherwise satisfied from marital property.
- (h) Except as provided otherwise in this chapter, the enactment of this chapter does not alter the classification and ownership rights of property acquired before the determination date.
- (i) Except as provided otherwise in this chapter and except to the extent it would affect the ownership rights of the spouse that existed in the property before the determination date, during marriage the interest of a spouse in property owned immediately before the determination date is treated as if it were individual property.

**Source:** PL 7-22, § 7.