

# Divorce Division of Debts in Utah

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During a divorce the debts owed, and all property acquired during the marriage must be divided. When each party involved agrees on how the debt should be divided, the agreement will be included in the divorce decree. ***When the parties do not agree on how the debt should be divided, it will be up to the courts to divide them fairly*** according to Utah Code Section 15-4-6.6.

***Marital debt that is associated with a property that one spouse will keep during and after the divorce will be the responsibility of that individual.*** For example, each spouse already has his and her own car, each individual will assume the car payments for their vehicle. ***Joint debts that are incurred for family purposes will be the responsibility of both parties.*** For personal debts, one spouse is generally not responsible for the other spouse's personal debt unless he or she has agreed to assume responsibility for it.

***Contact Wasatch Defense Attorneys for immediate divorce representation to ensure the protection of your assets and a fair ruling for the division of marital liabilities.*** Our experienced Divorce and Division of Debt Advocates will examine your case and determine your best legal options. Call us at **801-845-3509** for your **FREE, no-obligation consultation**.

## Factors that May Affect the Division of Debt in Divorce

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When the division of assets and debts cannot be agreed upon, the court will make these decisions for you. It is the court's goal to come to ***fair and equitable distribution by determining the following factors:***

- Premarital Agreements
- The Duration on the Marriage

- Child Custody
- Alimony Awarded
- Contributions to the Marriage by Each Spouse
- Your Occupation and the Occupation of Your Spouse
- Future Needs
- Health and Age
- Savings, Investments, and Retirement or Pension Plans
- Marital and Non-Marital Assets
- Marital and Non-Marital Debt

## Marital Debts Subject to Equitable Distribution

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**Non-Marital Debt** that was *acquired before the marriage may include student loans* that will be awarded to the spouse who created the debt.

## Debt Division in Utah

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In the state of Utah, married couples have two types of debt and assets known as marital and non-marital. Marital liabilities and assets are subject to equitable distribution. Non-marital liabilities and assets are the responsibility of the owning spouse. ***There are several different factors that determine both awarded assets during a divorce and the division of the debt acquired during the marriage.*** Each spouse will need to agree with the distribution of the following:

**Marital Debt Division** includes **Mortgages, Second Mortgages, Liens** and all debt for real property including ***the family's home, business property, investment property and land acquired during the marriage*** will be subject to equitable distribution. **Vehicle Payments** for ***personal vehicles, work vehicles and recreational vehicles*** will all be considered as marital debt. ***Loans and lines of credit*** will also be subject to equitable distribution, including:

- Bank Loans
- Personal Loans
- Credit Card Debt
- Tax Debt
- Past Due Accounts
- Loans from Family or Friends

**Non-Marital Debt** that was acquired before the marriage may include ***student loans that will be awarded to the spouse who created the debt.***

## Medical Expenses for Minor Children

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While the court's order for the division of debts is only binding to the parties and not to the creditors, ***an order for the medical debt of a minor child must be upheld by the creditor.*** Utah Code Section 15-4-6.7 requires a creditor of a minor child's medical

expenses, who has been supplied with a copy of the court order, must ***honor the division of the debt and not attempt to collect from the spouse who was not named as the debtor*** on the court order.

## Choose an Experienced Divorce Debt Division Team in Utah

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Wasatch Defense Attorneys Our compassionate **divorce and debt division attorneys** are dedicated to helping our clients work through the complicated process of dividing assets and debts to make sure the final agreement is fair and equitable to you. ***For your free, no-obligation consultation, contact Wasatch Defense Attorneys today at 801-845-3509.*** We have several decades of combined experience in the state of Utah with family including divorce, child custody and divorce debt and asset division. We offer payment plans and military discounts.