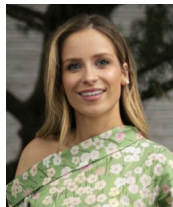




## Splitting Up and Splitting Assets: Understanding Equitable Apportionment in SC Divorces

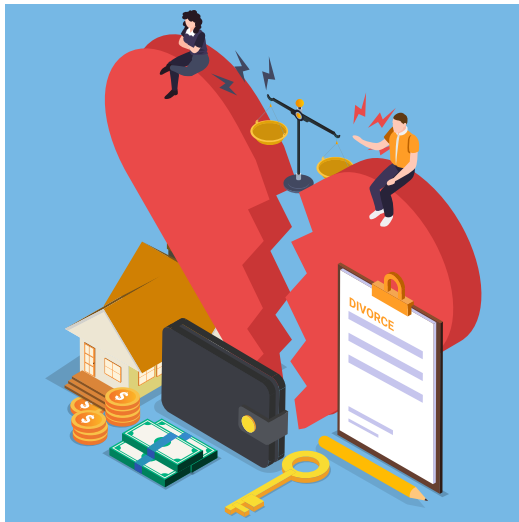


By Jessie B. Boylan  
Block Crouch Keeter Behm &  
Sayed, LLP

Going through a divorce is never easy, especially when it comes to understanding your legal rights. One key aspect of the divorce process in South Carolina is “equitable apportionment.” But what does this term mean, and how will it affect the division of your assets? Let’s explore the concept and what you can expect during your divorce further below.

In South Carolina, equitable apportionment in divorce proceedings refers to the fair division of marital assets and liabilities between spouses.<sup>1</sup> This process aims to ensure a just result, considering various factors relevant to each party’s circumstances. These include:

1. **Classifying Property:** Only property classified as marital property is considered in the equitable apportionment process. Marital property includes all assets and debts acquired during the marriage. Non-marital property is property owned by one spouse prior to the marriage, received as a gift from a third party, or inherited (even if received during the marriage), and/or property acquired after separation.
2. **Valuing Marital Assets:** Valuing marital property is crucial for achieving a fair distribution of assets. This can be accomplished through an appraisal of various assets, including real estate, business interests, and other significant items such as art collections and jewelry. Additionally, the valuation of all financial accounts—such as checking, savings, investment, and retirement accounts—is established by determining the value of each account as of the date the divorce was filed.



3. **Valuing Marital Debts:** Marital debt is also considered and divided amongst the parties. Marital debt includes all liabilities acquired during the marriage, including credit card debt, loans, and mortgages.
4. **Other Apportionment Factors:** South Carolina courts also consider various factors in order to determine a fair division of the parties’ marital property. Some of these factors include:
  - a. The duration of the parties marriage;
  - b. The income and earning potential of each spouse;
  - c. Marital misconduct or fault of either or both parties; and
  - d. Nonmarital property of each spouse.

Here’s an example to illustrate how this might work:

- Asset: A house worth \$500,000
- Debt: \$100,000 mortgage on the house
- Net value of asset: \$500,000 (value) - \$100,000 (debt) = \$400,000
- Equal share: \$200,000

Assuming a 50/50 split is appropriate, and the house is marital property, each spouse would be entitled to \$200,000. This

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could be accomplished by selling the house and splitting the proceeds, one spouse buying out the other, or other agreed-upon arrangements that equalize the division.

In conclusion, the equitable apportionment process in the South Carolina divorce process aims to fairly divide the marital assets and debts of the parties by considering various factors to ensure a balanced outcome. While this process may be complex, obtaining legal counsel will assist in effectively navigating the process and ensuring a fair result is achieved.

### Endnotes

<sup>1</sup> S.C. Code Ann. § 20-3-620 (2024).



*In January, members of the YLD leadership team traveled to Phoenix, Arizona for the American Bar Association Mid-year meeting.*

## Letter from the YLD President



Here we are at the end of another Bar year and the end of my tenure as President of the Young Lawyers Division. On July 1, La'Jessica Stringfellow will start as the new president, and I am so excited to see what she has in store for the YLD. It seems like yesterday (2019) that I was asked to serve as the 6<sup>th</sup> Circuit representative and now I am almost aged out of the division. I cannot adequately express how beneficial the YLD has been in my personal and professional life. I have met wonderful people, traveled as a delegate to promote the SC Bar and YLD, hosted and attended fun events, supported our communities, read books and talked about the Constitution to school children, and the list goes on. For those of you who have been involved with the YLD, I hope you have had similar feelings and experiences.

This quarter is my favorite for the division. Our most popular statewide event, the Cinderella Project and Prince Charming Project, was held and gave students the opportunity to talk with lawyers while finding their perfect prom attire. Palmetto Pages allowed young lawyers to reach students in their classrooms and introduce them to the profession. The Legal Feeding Frenzy engaged lawyers across the state to address hunger's effect on access to justice. Our members planned a kayaking

event on the May River, a golf outing in Charleston, an Augusta Greenjackets baseball game gathering, a networking event at Wild Hart Brewing in Hartsville, and a new admittee reception in Columbia. Be sure to check the YLD announcements for any upcoming events!

The biggest challenge every year for the executive team is to get new lawyers involved and push existing lawyers to stay engaged. That challenge is as important now as it has ever been. Our division carries a great reputation nationally and we hope to continue that trend going forward. For those of you that are not involved but want to be, please reach out to us and we will find a spot for you. Most people who are participating with the Bar and YLD were asked to by other members. I simply ask that you reach out to your colleagues and friends in the profession to get involved and follow in your footsteps.

Thank you to all that have planned events and given your time to this fantastic organization. I am honored to have served as president this past year and will always be the YLD's biggest cheerleader. I wish you all success in your practice areas and your involvement with the Young Lawyers Division.

Warmest Regards,

Mike Burch

## Stars of the Quarter

**Samantha Albrecht**

Palmetto Pages

**Jordan Cox**

Palmetto Pages

**Rachel Lee**

Palmetto Pages

**Zach Moulton**

2nd Circuit Rep

**Haley Finneran**

14th Circuit Rep

**Taylor Currin**

Membership Committee

**Megan Feltham**

Legal Feeding Frenzy

**Jordyn D'Andrea**

Legal Feeding Frenzy

**Lucius Laffitte**

Legal Feeding Frenzy

## President's Awards

**Phylicia Coleman**

**Kelley Leddy**

**Abigail Toohey**

**Chase Kinsey**

**Kieley Sutton**

**Brian Jenkins**





In March, Lucius Laffitte and Paige Ornduff spoke with two classes of 4<sup>th</sup> graders in the Gifted and Talented Program at Harborview Elementary in Charleston. Mrs. Staci Reed, the Gifted & Talented Program teacher, asked them to speak to her students about the law and what we do as lawyers. Mrs. Reed is currently teaching a law unit, and the students are reading John Grisham's "Theodore Boone Kid Lawyer." In the book, Theodore—a middle school student—is trying to solve the murder of a woman whose husband is on trial for allegedly committing the crime.

Lucius and Paige had an awesome time talking with the kids about their theories of who murdered the woman, direct and circumstantial evidence, eyewitness accounts, hearsay, pre-meditation, alibis, and motive. They discussed the differences between

criminal and civil cases and addressed how, sometimes, there are criminal and civil cases arising out of the same incident. The students were super engaged, and their answers to questions were thoughtful and well-developed. The kids also had plenty of questions about what they do, what types of clients they represent, their favorite and hardest cases, where they went to school, and why they became lawyers. By the end of each class a few of the students had even decided they want to become lawyers too.

Speaking to these 4<sup>th</sup> graders was a great way to start the week. It was also the perfect reminder of how important (and rewarding) it is to get out in the community and share how great the legal profession can be. We strongly encourage attorneys to pursue volunteer opportunities that involve engaging



*In May, members of the YLD participated in the annual Palmetto Pages program. As part of the YLD's statewide Palmetto Pages initiative, they visited elementary schools throughout the state to read "Andrew Learns About Lawyers" by Tiffany Obeng to students. The schools also received a donation of books from the YLD, so each student was able to take home a book.*

with students, as it is truly uplifting—and we can all use a positive perspective shift now and then. The South Carolina Bar YLD Student Outreach Committee and the South Carolina Bar's Law Related Education Committee direct various programs committed to educating students about both the law and the practice of law.

If you're interested in volunteering with the Law Related Education committee, scan the QR code below to sign up:



**Law Related Education Committee**