

Law Offices of
Hall and Hall, P.L.C.
The Family Law Firm of Virginia, PLC
Divorce Solutions

1401 Huguenot Road, Suite 100
Midlothian, Virginia 23113
&
4323 Cox Road, Suite 100
Glen Allen, Virginia 23060
Phone: (804) 897-1515
Fax: (804) 897-2499

Franklin P. Hall, Esquire
Phoebe P. Hall, Esquire
Julie M. Cillo, Esquire
Melissa S. VanZile, Esquire
Natasha A. Ries, Law Clerk
Kimberly A. Skiba, Law Clerk
Deborah A. Allen, Paralegal
Jayna M. Kiracofe, Paralegal
Shelia M. Kennedy, Paralegal



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The content of this newsletter is for informational purposes only. The information contained herein is not intended to constitute legal advice. You should consult an attorney for advice regarding your particular legal situation.



When is an Equitable Distribution Award Made?

By Franklin P. Hall, Esquire

When the parties make a written agreement, the division of assets and debts can take place at whatever time they agree; there is no waiting period required. On the other hand, if the property division is left to the courts, the court cannot make a permanent decision until the time for the divorce, so it is normally a year or more down the road from the time of separation. The court can make temporary awards of the use of the house or

cars and can freeze assets but it cannot decide the final asset division until the final divorce. For the court to make such a



decision, the parties will have to schedule a trial, meet the pretrial deadlines set by the court for various legal steps, and

produce evidence through documents and testimony in accordance with the Rules of Court. That is why we offer a number of ways of reaching an agreement out of court for people who prefer to settle matters themselves rather than going through litigation. Of course, if the other side will not be cooperative or will not agree to a reasonable settlement, litigation may be necessary. You must always weigh the cost and benefits of each approach and decide which is best for you.

Law Offices of Hall and Hall, P.L.C.

"We help people find solutions"

Volume V Issue 3

FAMILY MATTERS®

Julie M. Cillo Becomes Partner

Hall & Hall, PLC, is pleased to welcome Julie Cillo as partner in the firm. Julie brings to this partnership her leadership, her legal skills, her experience, and her passion for serving clients in family law matters.

Juvenile and Domestic Relations Committee for the 2005 Bench Bar



Julie Cillo is an honors graduate of Dartmouth College and received her J.D., cum laude from American University Washington College of Law. Julie currently serves as Chair of the

Conference and has written numerous articles on issues related to divorce, equitable

distribution, custody, and support. In addition to her participation on the Executive Committee of the Metropolitan Richmond Family Law Bar Association, she belongs to the Metropolitan Richmond Women Bar Association, and other local bar associations. Her community involvement reaches beyond the law as she serves as a board member of the Richmond Academy of Medical Alliance and as chair of the Trustee Nominating Committee for Dartmouth College.

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Important News at Hall and Hall

Our law firm is dedicated to family law matters, and we are called upon by people from all walks of life to counsel them about courses of action they are contemplating, situations they are facing or to provide ongoing representation. We help people find solutions in family law.

Our services include:

- Wills and estates
- Separation
- Divorce
- Mediation
- Custody and visitation
- Child support
- Spousal support
- Equitable distribution
- ZSmartsm Divorce
- Collaborative Law

We help with:

- Prenuptial agreements
- Property settlement agreements
- Negotiations
- Litigation
- Uncontested matters
- Contested matters

We seek to provide what our clients need and want.

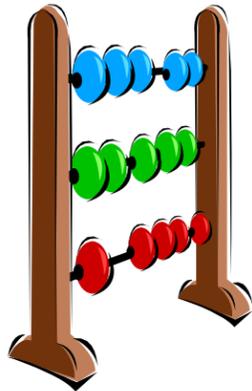
Special points of interest:

- *Serving Richmond for over 30 years*
- *Convenient offices in Chesterfield & Henrico*
- *Offering prompt and affordable services*
- *Friendly and experienced staff*
- *Client centered options*
- *Contested and uncontested matters and mediation*
- *ZSmartsm Divorce*

Trend of the Law: Property Division

By Phoebe P. Hall, Attorney, Mediator and Former Judge

Most people start off marriage with only a few assets. They work hard during the marriage and acquire houses, cars, home furnishings, and if they are fortunate, retirement accounts and various investments. Some people do a good job of living within their means; others spend more than they make and have large debt loads.

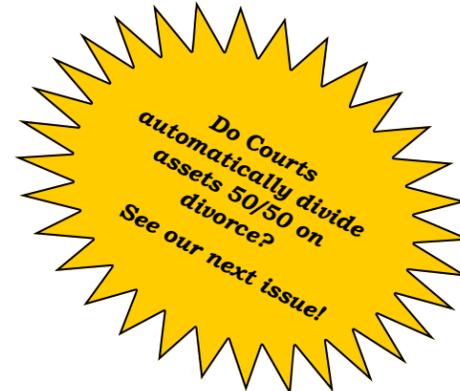


Long lasting marriages give a couple an opportunity to accumulate wealth and build a secure future if they manage their money well and plan carefully. When separation and divorce occurs, property and debts have to be divided appropriately between the marriage partners whether

by agreement or by the courts, and each person must proceed through life with less than the total financial package he or she had expected to have if the marriage had continued.

The division of assets and debts can have a long-lasting effect on each member of the family and must be done carefully. The law in Virginia governing property division in divorce is called "Equitable Distribution". It provides for assets and debts that are the fruits of the marriage to be divided "equitably" or fairly by a judge based on evidence produced by the parties and based on statutory factors if the parties cannot agree on the division. If, on the other hand, the parties sign a legally binding agreement, the court must and will follow their agreement.

To properly divide the assets and debts, it is important to gather financial information and documentation. This is the job of the client. We provide our clients with ideas, checklists and forms to help them gather information from the sources available to them. If the information is not available to the client, if the other party will not provide it voluntarily we can turn to legal means to obtain the information.



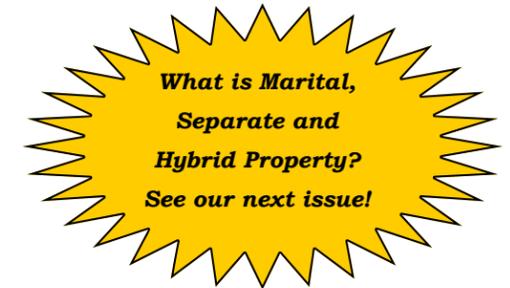
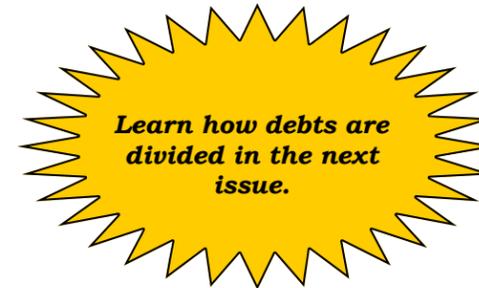
Deciding What to Ask for in Equitable Distribution

By Phoebe P. Hall, Esquire

Regardless of how an asset is titled, if it is the fruit of the marriage, it can be considered in equitable distribution. This means that even if a house or vehicle or retirement account is in one party's name and not the other and is not jointly titled, the value of the asset still comes into play in equitable distribution. We can help our

clients make an analysis of what there is, whether it is marital or separate or hybrid, what it is worth, whether there are any liens, how it is titled and possessed and what should happen to it. The client ultimately decides what to ask for or offer, but we can assist them in making a realistic assessment of the facts once

the necessary information and documentation has been gathered.



Getting Information from the Client's Spouse

The client's spouse can be asked to provide financial information. This can be in the form of voluntary production of documents and an affidavit under oath that all of the assets have been disclosed. If voluntary production is not

workable, the information can be required to be produced. We have various ways of obtaining information and documentation, which must be answered by the Rules of the Court, can include: Interrogatories (questions to be

answered under oath), Document Production Requests, and Requests for Admissions, and Subpoenas (issued to third parties such as employers).



What is Property?

By Melissa S. VanZile, Esquire

Property has a broad meaning. In addition to things like your house, your cars, your silver and china it includes:

- Bank Accounts
- Stocks and Bonds
- Stock Options
- IRAs
- Pensions
- Annuities
- Whole Life Insurance Policies
- 401(k)s
- Other Retirement Accounts



Remember to consider updating your Will and other estate documents in connection with a property division or divorce.