

MONTGOMERY COUNTY, OHIO DOMESTIC RELATIONS COURT LOCAL RULE

RE: DIVISION OF PERSONAL PROPERTY

RULE 4.40 DIVISION OF PERSONAL PROPERTY

Marital household goods, furniture, furnishings, appliances, tools, and other tangible personal property shall be divided as the parties may agree. If the parties are unable to agree, the court adopts the following as standards for the division of personal property.

(A) Personal items. Each party shall be awarded those items brought into the marriage, personally inherited or received as an individual gift. Each party shall also be awarded his/her own books, papers, creations, mementos, jewelry, family heirlooms and other personal possessions. Any family photos, home videos, music collections and similar items shall be equally divided between the parties by agreement or duplicated with each party paying one half of the cost of duplication.

(B) Children's items. If there are minor children, all furniture, clothing and toys primarily used by the children, plus any clothes washer and dryer, shall be retained by the residential parent.

(C) Remaining personal property. The remaining household goods, furniture, furnishings, appliances, tools and other tangible personal property shall be divided as the parties may agree. If the parties cannot reach an agreement, the parties shall select one of the following two options:

- (1)** The parties shall flip a coin with the winner having first choice of one item, the loser having second choice, and the parties alternating selections until all items in dispute are divided; or
- (2)** All disputed items shall be appraised with the cost of appraisal to be shared equally by the parties; the plaintiff shall have the first option to keep all disputed items by purchasing defendant's one half interest at one half the total appraised value; upon plaintiff's refusal, defendant shall have the same option.

(D) The court may appoint a neutral third party to assist in the division of household goods by alternate selection if deemed necessary. Cost of the service shall be divided equally between the parties.