

# New Mexico Community Property Interests

*Presented by John A. Noble, Esquire*

1 Credit Hour

Course Outline

Rio  
Grande  
Title

## I. Equity v. Community Property States

- A. Equity Systems
- B. Community Property Systems

## II. New Mexico Community Property System

- A. The Tracing Rule
  - 1. Community Property
  - 2. Separate Property
  - 3. Equitable Liens
- B. Special Assets
  - 1. Licenses
  - 2. Tort Awards
  - 3. Worker's Compensation
  - 4. Disability Pay
  - 5. Earning Power
  - 6. Pensions
  - 7. Goodwill of a Business

## III. Choice of Law

- A. Joint Tenancies
- B. Trusts
- C. Community Property Homesteads in Small Estates
- D. Affidavit of Heirship

## IV. Division and Distribution of Property at Divorce

- A. Division of Community Property
- B. Apportionment
- C. Time of Valuation
- D. Allocation
- E. Division of Retirement Benefits
- F. Premarital Agreements

## V. Distribution of Property at Death

## VI. Real Estate Conveyed by Married Persons

- A. Community Property State
- B. Equity States