

# **Financial Strategy for Divorce**

A step-by-step guide to divorce and money

Lee D. Sanderson, CPA, ABV, CFF, CVA, MST

Web download version

### **Legal Disclaimer**

This book was written as a general guide and not as a source of legal advice for your particular circumstance or otherwise. The author and publisher of this book are not a attorneys and they are not rendering legal services to you. No attorney/client relationship is formed between the author and publisher, on the one hand, and the purchaser/reader of this book, on the other hand. You should consult with an attorney before taking any action relating to divorce or divorce planning.

Nothing in this book should be considered a substitute for legal advice on a general basis, or for your particular situation or circumstance. Moreover, the laws governing these matters often differ from state to state. Hence, it is imperative for you to obtain legal advice appropriate to your situation from an attorney who is qualified to practice within your jurisdiction.

Furthermore, the author and publisher are not providing tax advice. This book contains general information about taxation only. Every situation is different and you should consult your own tax professional before making any decisions based on taxes.

The author and publisher shall not be held liable in any respect for any financial loss or damages, including but not limited to incidental, consequential, or other damages, caused or alleged to be caused, directly or indirectly by any information contained in this book.

You may return this book for a full refund if you disagree with the above terms.

#### **Publisher**

This book has been published by:

Sanderson Publishing LLC

945 Concord Street

Framingham, MA 01701

#### Copyright

There is a federal copyright in effect for this publication. This book does not have resale right and may not be given away. No portion of this book may be resold, reproduced, transmitted, emailed or copied under any circumstances. Violators of this copyright will be prosecuted.

# **Table of Contents**

1)	Ab	About the Author6				
2)	Introduction			7		
	a)	Нс	ow Financial Strategy for Divorce Can Help You	8		
3)	Divorce Financial Basics			11		
	a)	Th	ne Financial Aspects of Divorce	11		
	b)	Pr	operty Division	12		
	c)	Su	pport Payments	13		
	d)	St	rategy for Men vs. Strategy for Women	15		
4)	Preparation - The Path to Success					
	a)	De	etermining Your Assets	16		
		i)	Where To Find The Information About Your Assets	18		
		ii)	What About Information I Can't Find?	21		
		iii)	Asset Organization Worksheet	22		
		iv)	MISSING INFORMATION WORKSHEET FOR ASSETS	27		
	b)	De	etermining Your Debts	28		
		i)	Where to find the information about your debts	30		
		ii)	How Your Credit Report Can Help You	31		
		iii)	Obtaining Your Credit Report	32		
		iv)	DEBT ORGANIZATION WORKSHEET	34		
		v)	MISSING INFORMATION WORKSHEET FOR DEBTS	35		
	c)	Yc	our Net Worth for Divorce Purposes	36		
5)	Financial Strategies for Property Division38					
	a)	Та	x Strategies	38		
	b)	Pro	perty Division Worksheet	42		

	c)	Determining the Correct Asset Values	43		
		i) Assets Requiring Appraisal	44		
		ii) Finding a Qualified Appraiser	45		
		iii) Appraisal Organizations	46		
	d)	Ensuring Proper Valuation Methodology	47		
6)	Determining Income for Support				
	a)	The Effect of Income Level on Support	50		
	b)	Why Income for Support Purposes May be Different from Income on Tax Returns			
	c)	Determining Income for Child Support and Alimony	53		
	d)	Income Analysis Worksheet	55		
	e)	Resources for Determining the Support Formula in Your State	57		
		i) Child Support	57		
		ii) Alimony	58		
		iii) Child Support Formulas for Your State	58		
	f)	Tax Strategies for Alimony and Child Support	59		
7)	Finding Hidden Income				
	a)	Lifestyle Analysis	65		
	b)	Forensic Analysis of Business Records	67		
8)	PΙ	anning for Divorce Expenses - How Much Will it Really Cost?	69		
	a)	Step 1: Understanding How Lawyers Charge for Their Services	70		
		i) Legal Fees	70		
		ii) Hourly Rates	70		
		iii) Retainers	72		
	b)	Step 2: Consider all Other Divorce Expenses - Your Expenses May Nobe Limited to Legal Fees			
		i) Other Divorce Expenses	73		
	c)	Step 3: Estimating your Divorce Expenses	73		
	d)	Financial Strategies for Divorce Expenses	75		

## Sanderson's Guide to Financial Strategy for Divorce

9)	Sp	ecific Financial Questions to Discuss with Your Attorney	.78			
	a)	Worksheet for Estimating Divorce Expenses	.81			
10)	Ca	n I Afford to Stay in my Home?	.82			
	a)	Home Affordability Worksheet	.83			
11)	Ot	her Financial Strategies	. 85			
	a)	Protect Your Assets - Restraining Orders	.85			
	b)	Check Asset Balances Frequently	. 85			
	c)	Check Debt Balances Frequently	.86			
	d)	Consider Removing Your Name from Joint Credit Cards	.86			
	e)	Transferring Assets to a Fund for Your Children	.86			
	f)	College Costs	. 87			
	g)	Consider Alimony Buy-outs	. 87			
12)	Go	ping Forward	.88			
Supplemental Information						
Additional Commentary						
	St	rategies for Men vs. Financial Strategies for Women	.90			
	Сс	ommon Myths about Divorce and Money	.92			
Ot	Other Divorce Resources					





### About the Author

### Lee D. Sanderson, CPA, CFF, ABV, CVA, MST

Lee D. Sanderson is a recognized expert on financial matters relating to divorce. He has been hired by some of the nation's top divorce attorneys to provide expert testimony to the court on a wide range of financial matters. Mr. Sanderson is a frequent lecturer conducting training to attorneys on financial strategies for divorce including income analysis, forensic accounting for divorce, business valuation, property settlement strategies and divorce taxation issues.

Mr. Sanderson is a forensic accountant specializing in the financial aspects of divorce. He holds the following professional designations:

- CPA Certified Public Accountant
- CFF Certified in Financial Forensics
- ABV Accredited in Business Valuation
- CVA Certified Valuation Analyst
- MST Master of Science in Taxation

Lee practices is in the Boston area. He lives in Framingham, Massachusetts with his daughter, Rachel.

### Introduction

"Strategy without tactics is the slowest route to victory. Tactics without strategy is the noise before defeat" Sun Tzu

First, I would like to thank you for purchasing this book. I understand all too well that if you made this purchase, you are either contemplating divorce or are already in the process of divorcing and deeply concerned about your financial future.

*You are not alone.* Over one million divorces are filed in the United States each year and the number continues to rise.

Divorce can be one of the most financially devastating experiences people ever encounter. Throughout the process, people are overwhelmed by the uncertainty of their future finances and the financial decisions they will need to make.

Some of the most common questions I hear are:

- Can I afford to stay in my home?
- How can I get through this divorce without losing my shirt?
- How much will my divorce cost me?
- Can I even afford to get divorced?
- How much will I have left over to begin my new life?
- How much will I pay / receive in child support or alimony?
- What can I do to maximize my financial settlement?
- Is my spouse hiding money?
- I know my spouse makes more money than the tax returns show. Will I lose out on support because of this?

- My spouse says his/her business is not worth anything. How is this possible with the money it makes?
- Are there any ways to save money in this process?

I have written this book to help you maximize your financial situation during and after your divorce and to provide you with answers to many of these important questions.

## How Financial Strategy for Divorce Can Help You

Financial strategies can make a world of difference in your divorce. They can affect:

- The amount of money you pay or receive each month;
- The amount of money you have after your divorce;
- Your post divorce assets and debts;
- Your ability to stay in your home;
- Your ability to pay for education;
- The money available to start a new life; and
- Much more.

Many people find out after their divorce that they made a bad deal due to a lack of knowledge about the financial matters.

Remember, once your divorce is over, you can't go back and fix it. You are stuck with it, so, it is in your best interest to apply sound financial strategy early in the process to maximize your situation.

You may be saying "there is not that much to strategize over". Have you considered that your future income is essentially an asset?

Consider this: Let's say you earn \$100,000, your spouse earns nothing and there are 20 years of support payments left. That is \$2,000,000 of cash flow! I would say that your share of that \$2,000,000 is certainly worth some closer analysis. Don't you agree?

In this example, the difference between paying or receiving 20% in support or 30% in support is \$200,000 over the duration of those support payments!<sup>1</sup>

One of the activities I have greatly enjoyed over the years has been teaching seminars to attorneys. I have taught divorce attorneys about divorce financial strategies relating to uncovering hidden assets, utilizing the tax law to maximize settlements for their clients, business valuation strategies, uncovering hidden income, tax aspects of divorce and income analysis for support.

Financial Strategy for Divorce is an attempt to bring my years of experience practicing and teaching in the divorce area directly to you.

I won't tell you that I can make all of your financial concerns disappear. I wish I could....but I can't. There are many unknown variables in every divorce.

What I can tell you from experience is that **utilizing sound financial strategies** for divorce can definitely help you to:

- Approach the process better informed and armed with information;
- Save time and money;
- Organize your finances to make better decisions;
- Take control of your financial situation;

<sup>&</sup>lt;sup>1</sup> This book discusses the financial aspects of support such as the importance of determining the appropriate level of income and the impact that different support levels can have over time. There are other considerations relating to support that should be discussed with an attorney.

- Find hidden assets;
- Find hidden income;
- Protect your assets;
- Avoid hidden tax consequences;
- Maximize the amount of money remaining you receive;
- Avoid unnecessarily wasting money on your divorce;
- Begin the path to rebuilding your financial future

This book will provide you with worksheets to help you organize your financial information, action items, information to help you make better financial decisions and financial strategies that can save you money and maximize your financial situation.