

# Preface

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Over the years, students have frequently asked for more examples so they could test their understanding of the complexities of California community property law. Although they found the community property concepts interesting, many students also struggled with their application. There are several reasons why California community property law is so challenging and why applying it can be so difficult. First, California law protects competing interests: community property that belongs to both spouses and separate property that belongs to each spouse. Second, the courts and the legislature have wrestled with how best to protect those competing interests. Third, changing perceptions of marriage and women's rights provided another overlay to community property law. Finally, California community property law is often not retroactive, which means that for several topics, it is necessary to learn two sets of law.

To help you master California community property law, this book presents a comprehensive framework for addressing the myriad characterization issues that arise at either divorce or death. That framework is called FIT and stands for "funds, intentions, and titles." It is explained in the Introduction and should be an aid in approaching characterization of property as either community or separate. Also, this book breaks down the topics into manageable chunks. This is necessary because there are technical rules that apply to each distinct topic. For instance, specific rules apply to bank accounts where both separate and community funds are commingled. Also particular formulas determine whether the community has an interest in separate property businesses.

Since the publication of the Fifth Edition, almost a decade ago, there have been significant changes or developments in California community property law. The California Legislature has passed new statutes and amendments, and the California courts have interpreted and applied them. This Sixth Edition identifies and explains such changes, with special focus on premarital agreements, title presumptions, transmutation of the nature of separate or community property, separation of spouses and the end of the economic community, and registered domestic partnerships. We hope that you will find it useful whether taking a California Community Property course or in other contexts such as bar exam preparation, research, and law practice.

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