

# Checklist Assets and Debts

Draw up a complete overview of all the assets and liabilities of you both and gather supporting documents of these. Consider the proof of ownership of the house/houses, the notarised mortgage deed and any policies. But also endowment insurance overviews, annuity policies, investments, bank statements of savings accounts and checking accounts, motor vehicles and movable goods (household inventory).

Gather the income tax filing of at least the past few years.

Did either you or your partner receive a gift or inheritance subject to an exclusion clause? Then gather supporting documents for that, too, and state what happened to the money received. Did you receive compensation for pain and suffering or is there (or has there been) a compensation for dismissal or for other goods and debts which might possibly be attached in some particular manner to either partner? In that case, it needs to be seen to what extent these are part of the community of goods. You may be able to demand being apportioned such an attached good, such as a share in your company, but you must settle its value. Collect all the relevant documents.

Did you use your own money to invest in your shared home or some other asset, for example using an inheritance with an exclusion clause? You may be entitled to compensation. Inform us of this and gather the supporting documents.

The list below is intended to assist you in collecting the supporting documents that are necessary to divide / settle your assets and liabilities.

This list mainly applies to the community of goods.

## **1. Own home / other real property**

Proof of ownership (notarised deed of ownership)

Recent assessment of municipal taxes listing its WOZ value.

Valuation report or your (own) estimation of its value

## **2. Mortgage**

All notarised mortgage deeds, both those relating to the own home or to any other real property.

Annual statements of mortgages for the past 2 years

## **3. Endowment insurances in connection with the own home**

An endowment insurance is a life insurance that pays out while the insured party is still alive.

An endowment insurance may comprise both a payment during the insured party's lifetime as well as an equally high payment upon death. This type of endowment insurance is known as a mixed insurance.

An endowment insurance allows the insured party the choice of a savings insurance or an investment insurance.

Gather the following documents:

Policies, policy conditions of all endowment insurances in connection with the own home

Annual statements of value for the past 2 years

If possible, look up current values / print from internet banking

Also look up the surrender value.

#### **4. Other endowment insurances**

Policies, policy conditions of all other endowment insurances

Annual statements of value for the past 2 years

Look up current values / print from internet banking

Look up the surrender value.

#### **5. Annuity insurances**

Policies, policy conditions

Annual statements of value for the past 2 years

Look up current values / print.

Look up the surrender value.

#### **6. Car, caravan, motorbike, boat, etc.**

Write down make, type, license plate, mileage and any specifics (damage)

Have it appraised by the dealership and / or look up ANWB current value ([www.anwb.nl](http://www.anwb.nl)).

Or print values of comparable cars from internet ([autotrader.nl](http://autotrader.nl), [autotrack.nl](http://autotrack.nl), [autoweek.nl/occasions](http://autoweek.nl/occasions))

#### **7. Bank accounts and savings accounts**

Bank statements of the previous year and of the current year, of all payments and savings accounts:

both the accounts in either name and the and/or accounts

#### **8. Investments**

Statements and recent overviews of all investment products (shares, investment funds, etc.)

#### **9. (Accounts for) salary savings / -, "Lifecycle" (Levensloop) products**

Statements for all salary savings accounts, salary savings insurances / "Lifecycle" products

## **10. Claims to holiday pay**

If, for instance, you were to divorce in February, a substantial part of the annual holiday pay has already accrued.

The claims to the holiday pay may be involved in the division.

## **11. Inheritance / claim from inheritance / undivided inheritance / exclusion clause**

If a family member has died during the past few years, you may have a claim against the deceased's surviving spouse, which usually only becomes claimable upon the death of the deceased's surviving spouse. This claim must be appraised and possible be involved in the division. It is also possible that someone in your family (a parent, for example) has recently died, though the inheritance is yet to be divided. You should inform your lawyer of this as well. Occasionally, the deceased may have stated in a will that the inheritance will not become part of any community of goods etc. This is known as an exclusion clause.

In that case, an inheritance you received in the past may not have to be divided.

You may also be entitled to settlement in respect of your former partner. Gather any documents relating to inheritances. Wills, any deeds of division, inheritance tax assessments, anything.

## **12. Did you receive any gifts during the time you were married?**

Gifts you received during that time may have been excluded from a community of goods if this was stipulated when the gift was made.

Collect any documents relating to this gift.

## **13. Claims to compensation for dismissal / pain and suffering / other private assets**

Provide your lawyer with supporting documents for any compensation for dismissal / compensation for pain and suffering / payments for damages / other private assets which either you or your partner received

A compensation for dismissal which was paid as an annuity insurance/standing right insurance does not always have to be divided in its entirety. Gather the documents relating to the dismissal and discuss this with your lawyer.

Payments for pain and suffering or damages (for example after an accident) do not have to be included in full in the division. Provide all supporting documents to your lawyer, so he may advise you in this.

## **14. Household inventory**

Draw up a list (as full as you can manage) of all the goods comprising the household inventory to be divided, subdivided, for example,

by room. Also indicate who can have what goods or make a suggestion.

## **15. Business**

Do you have a business (sole proprietorship, commercial partnership, professional partnership, private limited liability company (B.V.)) or shares in a business?

Enclose supporting documents:

Chamber of Commerce (KvK) excerpt for the business(es)

Statutes of the B.V.s - Holding company/-ies and operating company/-ies - partnership agreement, etc.

Shareholder registry for B.V.s

Annual statements of the business of the past 3 years, including explanations. Draft annual statement (update)

An appraisal / initial indicative value of the business / shares / credit rating

### **16. Debts**

Gather supporting documents for all debts and submit the most recent overviews / statements.

This concerns all debts, including overdrafts on payment accounts, bank loans, debts with mail order firms, IBG education loans etc. Describe what the money was spent on / the reasons for the existence of the debt.

### **17. Did you invest private money into a community property?**

Suppose: five years ago, you received an inheritance / gift with an exclusion clause and you used that inheritance to partly fund a new home. Then it's very likely that this still needs to be settled with your future ex-spouse.

Gather as many supporting documents as you can (regarding the inheritance, but also the investing in the community property). Always inform your lawyer of this.

**This list is not intended to be exhaustive. Always make sure that you have listed all assets and liabilities.**