



Question:

I realized recently that I received no money from the sell of the house that my ex wife and I lived in while married. My name was not on the loan for the home. The loan was in my ex wife's name and her mother was the co signer.

Should I have still received 50% of the money received from the sell of the house?

Answer:

The terms of your divorce judgment or settlement control how the house (or proceeds from the sale) were to be allocated as between you and your ex-spouse. Any claim of third parties, such as your ex-mother-in-law, would be determined by state real property laws and not the divorce judgment.

If the divorce judgment did not address how the house was allocated or did not state that the house was found to be your wife's non-marital property, then you would need to evaluate whether you can seek to have the divorce judgment re-opened to address the unallocated

asset. Whether you can have the divorce judgment re-opened may depend upon how long ago the judgment was entered and what other orders were entered in your case.

What rights you may have under the terms of your divorce and what options you may have to re-open the divorce judgment will require a review of all of the divorce orders and judgments, as well as the specifics of the house ownership and sale, by a qualified domestic relations attorney.

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Mr. Coffee has extensive domestic litigation trial experience representing clients in courts throughout Illinois on all aspects of domestic litigation, including the representation of clients who are current or retired military personnel with issues under the Soldiers and Sailors Civil Relief Act and the Uniformed Services Former Spouses' Protection Act, clients involved in state court jurisdictional disputes due to the relocation of one or both parties from or to Illinois, and clients with government or private pension benefit valuation and division issues.