

Jeff Landers, Contributor

## PERSONAL FINANCE

6/11/2013 @ 9:37AM

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(Image credit: Getty Images for SELF Magazine via @daylife)

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## PERSONAL FINANCE

6/11/2013 @ 9:37AM

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(Image credit: Getty Images for SELF Magazine via @daylife)

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How (and why) Bethenny would endure the emotional stress and strife of sharing an apartment with her soon-to-be-ex on a day-to-day basis (not to mention the reported frequent extended stays by his parents) when she could afford to move to an equally luxurious setting elsewhere, is perhaps a question for another day. But as a [Divorce Financial Strategist™](#), what intrigues me most about this story is the question of who's entitled to claim ownership of the home they currently share and would that ownership be jeopardized if one of them moved out. After all, like most marital residences, it's a significant asset.

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However, even if the question of occupancy has no impact on either party’s property rights, separating may not be as straightforward as it seems.

“Assuming money is not an issue, I usually advise clients to actually separate when they separate. A little distance can do a world of good for parties going through the dissolution process. But it is not as simple as packing an overnight bag and checking out,” [Laura A. Wasser](#), Partner in the family law firm of Wasser, Cooperman and Carter in Los Angeles, CA and author of the forthcoming book, *It Doesn’t Have to Be That Way: How to Divorce Without Destroying Your Family or Bankrupting Yourself*, told me. “There should be some serious discussions about 1) the property itself; care, maintenance, interim financial obligations etc., 2) items left in the property; one does not give up his/her right to art, furniture, appliances etc. either, and these items will be discussed, divided and retrieved later in the proceeding and 3) boundaries; if the property is owned jointly and one party moves out does the other have exclusive use and possession and an expectation of privacy or will the ‘out-spouse’ be entitled to have some use and enjoyment even after his/her departure?”

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