



Complex Issues in California Family Law - Volume F: Equitable Remedies—Pereira-Van Camp *and Beyond*

Dawn Gray, Stephen James Wagner

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Equitable Remedies—Pereira-Van Camp and Beyond: Apportionment and Reimbursement Based on Use of Efforts to Benefit Another Estate

The authors analyze the inherent right of reimbursement to the marital community when the efforts of one spouse have benefited only that spouse's separate property. The rules are nearly entirely judge-made; for this reason, equitable apportionment has more conflicting approaches than nearly any other fundamental family law area:

- Constructive fraud
- Lender intent doctrine
- Fiduciary duties
- Equitable offset
- Consent—which may eliminate the right to reimbursement

all of which affect the *Pereira-Van Camp* approaches used to calculate the apportionment once the underlying basis is proven.

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