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## **Preuptial Agreements: Should They Be A Prerequisite To Marriage?**

**By "Bernard Berkowitz Esq."**

While not exactly the glamorous side of a marriage proposal, the idea of a prenuptial, or antenuptial, agreement is something that most people about to be married should discuss. In case a marriage doesn't work or one spouse dies before you have a chance to do a comprehensive estate plan, a prenuptial agreement can safeguard assets, protect one party from the other's debts, and make any possible divorce proceedings go more smoothly without unnecessary rancor. Since more couples are signing prenuptial agreements, you need to discuss this openly with your intended spouse.

Some prenuptial agreements can cover day-to-day details such as who will pay the mortgage and other bills or how child care is to be handled. Since more couples are signing prenuptial agreements, you need to discuss this openly with your intended spouse. If you both feel a prenuptial agreement fits your situation, you each need to see a lawyer to discuss it further.

Even though more prenuptial agreements are being signed than ever before, it is something to consider only if one of the following applies to you:

If either of you have children from a previous marriage. If you own a business or are involved in a family run company. If either one of you have significant assets which you want to keep separate. If you are concerned about the amount of debt of the other party. If you are giving up a lucrative career to get married. Once you have decided if you need a prenuptial agreement and what should be in it, the question becomes whether or not it will be valid and enforceable. There are certain essentials to creating a valid prenuptial agreement:

The agreement must be in writing and executed before the marriage, preferably in front of a notary public. Neither party should be put in the position of having to sign the agreement on short notice. If your future spouse confronts you with an agreement on the day of your marriage, it will probably not be enforceable.

The agreement must be fair and reasonable under all of your circumstances and based on full disclosure by both parties of all assets and liabilities. One lawyer cannot fairly represent both parties. Each party to the agreement should have their own attorney to prepare/review the document and

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answer all of your questions before signing.

The sooner before the wedding date that you prepare the prenuptial agreement the better it will be for both of you and your relationship. Either party broaching this subject is likely to be suspected by the other of lack of trust. However, since more than half of all marriages do end in divorce, having a prenuptial agreement should be considered a very practical thing to do and not a doomsday expression of your marriage's chances. In fact, open communication with your new partner could be the best way to start a new relationship.

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### **Get a Prenuptial Agreement before Your Next Marriage**

**By Jeffrey Broobin**

While signing a prenuptial agreement can be one of the all-time romantic turnoffs, for people heading into their second marriage, a prenuptial agreement can give the trade-off of a better relationship through the security of financial and life planning.

A prenuptial agreement is a legal contract between two people about to marry, specifying how assets will be distributed in the event of divorce or death. A prenuptial agreement is a good idea, even if you aren't rich or own a home. It saves future arguments and can even save you money.

A prenuptial agreement requires that each partner prepare an inventory of assets owned before the marriage, and it allows you to establish your separate priorities about those assets.

Even if you do nothing more than that in your prenuptial agreement, this gives children from a previous marriage a chance to have half of that property and establish what belonged to Mom or Dad before the second marriage, and it establishes what you're taking with you should you leave the marriage."

Statistically, second or third marriages are more likely to result in divorce than first-time unions. Because of this, a prenuptial agreement is an especially wise idea. A prenup is important if one of you is wealthier than the other. If you have assets such as a house, stock or retirement funds, you should have a prenup. A prenuptial agreement is essential if you own part or all of a business. A prenup can discuss your wishes if you may be receiving an inheritance. If you have relatives who need to be taken care of, such as disabled children or elderly parents, a prenuptial agreement is very important. If you expect to receive a big increase in income because of a growing business, a prenuptial agreement can address this issue. A prenuptial agreement is essential if you have children and/or grandchildren from a previous marriage.

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We recommend that each partner draw up a list of assets. Furthermore, for professional couples, prenuptial agreements can be the ultimate protection against all-too-common lawsuits or medical malpractice suits. You can't predict all of your life events, and prenuptial agreements are a means of keeping your own assets safe in the event of any financial problems that your spouse may experience.

Note that Legal Helper Corp. –

<http://www.legalhelpmate.com/prenuptial-agreement.aspx>

– provides an

easy-to-use, quick, and economical online method for creating Prenuptial Agreement (Premarital).

Jeffrey Broobin is a free-lance writer on family and finance issues; his main goal is to help people during their complicated period of life.

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The Prenuptial Agreement Dilemma

Creating A Prenuptial Agreement

Rights and Obligations with Prenuptial Agreement

How Enforceable Is Your Prenuptial Agreement?

Profitable Puppets

How to keep up the SPICE in your Love Life.

The Forum List

Hints for lovers

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