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**Rights and Obligations with Prenuptial Agreement**

**By Jeffrey Broobin**

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Prenuptial agreements are like insurance policies. You do the paperwork, and then hope you'll never need it. However, since half of marriages end in divorce within the first seven years, you may want to consider a prenuptial agreement before you walk down the aisle and say, "I do."

Since you could later be engaged in a nasty, costly, and emotionally draining divorce some day, you should consider a prenuptial agreement as a precaution. Below we have given you some information on what is in a prenuptial agreement and whether it could be useful for you.

A prenuptial or ante nuptial agreement is a document signed by two people who intend to be married. It describes their rights and obligations should they get divorced. A prenuptial agreement informs the court how they want their assets and property divided up.

Divorces become messy when parties cannot agree on the distribution of property, such things as the house, the house, stocks, and bonds and whether one party should pay the other alimony, now known as "maintenance" in most states. Assume that the husband has \$1,000,000 in his own name prior to the marriage. A properly drafted prenuptial agreement can award that same \$1,000,000 to him after a divorce, notwithstanding what he does with the money, such as purchasing a home in joint tenancy or shifting the money into other accounts. Without a prenuptial agreement, the wife might be entitled to one-half of the \$1,000,000 or more, depending on the financial circumstances of the parties at the time of the divorce. The prenuptial agreement is a powerful and valuable tool that can favor the husband, protect the wife, or serve both of them fairly. It is a question of circumstances and intentions.

Candidates for prenuptial agreements used to be just older individuals with huge estates that they wanted to protect from gold diggers for their children from previous marriages. Since more millionaires are born every day, the candidate pool is growing by leaps and bounds. Now everybody has something to protect: an unpublished author, the budding inventor, anybody with a lucrative profession or a good idea. So, before you dismiss the idea of a prenuptial agreement, assess your situation in life and your

## Rights and Obligations with Prenuptial Agreement

long-term future in deciding whether a prenuptial agreement is right for you.

Consider at length the nature and extent of your present and possible future assets. A prenuptial agreement can be a very simple document running only a few pages that segregates each party's assets owned before the marriage, or it can be a very complicated document that runs dozens of pages because it deals with income and assets acquired during the marriage, the payment of debts, attorneys' fees, alimony/maintenance, and other financial matters. The next hurdle is raising the issue with your intended spouse, a very unromantic event. It helps to get it over with early. Perhaps you could blame it on someone else, such as your parents who may want to involve you in a family business, or possible business partners.

If you have no one to hold responsible, just be honest. Tell your future spouse that you intend to be open, fair, and honest, and the fact that you will be revealing all your assets is a sign of trust. Assure your intended that he or she will be protected during the negotiation procedure and in the prenuptial

agreement, and stress that the document is something you feel is necessary and wise before you get married. The most important thing is to discuss it earlier instead of later, so that the degree of pressure before the wedding is mitigated.

Couples do not usually break engagements because of disputes over prenuptial agreements. In almost every instance, the agreement is signed and the parties are married. It is also completely appropriate to state that you will not get married without a prenuptial agreement; case law has indicated that this will not invalidate an agreement if made before the wedding.

The best way to avoid charges of duress or coercion is to tell your future spouse early on that you want the prenuptial agreement. Sometimes, such documents are signed shortly before the wedding, but have been the subject of negotiation for months. A well-drafted agreement will recite the fact that, even though it was signed shortly before or on the wedding date, negotiations began much earlier. It is for clauses like this that you consult experts.

Eventually, a prenuptial agreement will be fashioned so that you and your future spouse both accept it. The terms may not be what you initially envisioned and may not be what your intended would want. But that is the nature of compromise.

Note that Legal Helper Corp. –

– 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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## 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.

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.

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