

MARRIAGE

CHECKLIST: Prenuptial Agreement Terms

Prenuptial or premarital agreements can cover just about any aspect of the relationship between prospective spouses (with the exception of child support, which is determined by legal guidelines). The following checklist provides examples of terms you may want to include in your agreement. Not all of them would be found in the same agreement, of course, and there are probably other items that you would like to address based on the particularities of your circumstances. This list is a good starting point, however, and by perusing these suggestions and discussing your goals with your attorney, you can draft a comprehensive prenuptial agreement that protects your interests. Working with your attorney, check off each item to make sure it's in place.

- Date of agreement
- Names of both parties
- Address(es)
- Comprehensive list of separate property brought to the relationship
- List of all property considered joint property
- Statement of desire to keep property separate
- Statement of desire to keep income separate
- Statement of desire to keep debts separate
- Statement that neither will be liable for debts of the other
- Statement that each will make equal deposits into one joint bank account
- Statement that all household expenses will be divided evenly
- Breakdown of who will pay for what expenses
- Statement that all purchases will be equally paid for by each partner

- ___ Statement that all property purchased jointly will be equally owned by both parties
- ___ Designation of who will remain in marital homestead upon divorce
- ___ Statement that neither party is entitled to financial support upon the dissolution of the relationship by death or divorce
- ___ Provision outlining permanent financial support
- ___ Statement that neither party is entitled to inherit from the other
- ___ Statement that each partner is entitled to inherit the other's property or some portion thereof according to the partners' wills
- ___ Statement that any children of the marriage will be raised according to a particular religion
- ___ Governing law
- ___ Severability clause (i.e. if one provision is void, remainder of agreement remains effective)
- ___ Mediation agreement
- ___ Statement that document constitutes the parties' entire agreement
- ___ Statement that both parties were separately represented by independent counsel
- ___ Explanation that losing party pays both parties' attorneys fees in event agreement is violated or contested
- ___ Statement that both parties entered into agreement voluntarily
- ___ Statement that both parties read and understand agreement
- ___ Signatures
- ___ Notarization

