

MOSS & BARNETT'S QUICK GUIDE
"DO YOU NEED A PRENUPTIAL OR POSTNUPTIAL AGREEMENT?"

Check any of the following that apply:

- Do you have children, grandchildren or other heirs you want to provide for?***
- Are there children, grandchildren or others to whom you want to bequeath or gift an asset such as a family business, a cabin, a farm or other asset?
- Do you have an estate plan, trust or gift program which you want to protect from other claims?
- Do you own an interest in a significant asset, a business, a partnership or professional practice?***
- Do you need to protect your asset, business or practice from the claims of an alienated spouse which cause costly appraisals, an unwanted value being established, tensions between the owners, disruption of the business, litigation costs, and invasion of individual and business privacy?
- Do you plan to transfer any ownership of your asset, business to a child or grandchild? Does the child or grandchild have a prenuptial or postnuptial agreement to ensure the ownership remains in the family?
- Are you subject to a buy-sell, partnership dissolution or shareholder agreement or similar agreement which you need to preserve in the event an owner dies or divorces?
- Does your upcoming marriage present special issues upon your death or in the event of a divorce?***
- Is a prenuptial or postnuptial agreement necessary to preserve your estate plan?
- Is there reason to determine which state's law will govern in the event of your death or a divorce?
- Do you have concerns about the payment of spousal maintenance (alimony) in the event of a future divorce?

- Do you want to address concerns about attorneys' and other professionals' fees in the event of a divorce?
- Do you want to alter rights a surviving spouse would legally have such as the right to the homestead, the right to elect against the will and take a statutory share of the spouse's estate, the right to a spousal allowance and other statutory rights?
- Do you want to plan ahead for an alternative dispute resolution method to avoid litigation in the event of a contested divorce?
- Do you want to direct how the property you own now will be managed during the marriage? For example, filing tax returns, titling and transferring real estate and other such measures.
- Do you want to limit any claim to or division of one particular asset such as your business, recreation property, farm or other "special property?"
- Do you own unique assets such as livestock, crops, mineral rights, patents, copyrights, royalties, intellectual property, artworks, celebrity, professional degrees or other such assets which are difficult to value or divide?
- During the marriage, do you anticipate acquiring additional employment benefits such as stock rights, stock options, deferred compensation, etc. which are related to your existing employment and efforts prior to the marriage?
- Are there personal economic issues to which you and your future spouse wish to commit before your marriage?***
- Will one party sell a residence?
- Will one party change, limit or give up a job or career?
- Will one party move from another state or make other major lifestyle changes?
- Will you or your future spouse provide financial assistance to the other's education?
- Do you want to commit to how you will manage your finances during the marriage?
- Are there existing debts of either you or your future spouse that will be paid during the marriage? Do you need to protect yourself or your future spouse from preexisting indebtedness?
- Do you wish to limit the credit obtained in the name of the other spouse during the marriage?
- Do you wish to commit to how income taxes will be paid during the marriage, particularly for tax liability on property you separately maintain?

- Do you wish to make certain gifts or otherwise transfer property to your future spouse over time?

IF YOU CHECKED ONE OR MORE THE THESE BOXES, YOU MAY NEED A PRENUPTIAL OR POSTNUPTIAL AGREEMENT.

The attorneys at MOSS & BARNETT who prepare prenuptial or postnuptial agreements work with other professionals as a team to create the prenuptial or postnuptial agreement while respecting and enhancing existing professional/client relationships.

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