**PRE-NUPTIAL AGREEMENT**

The following form is intended for illustrative purposes only. You and your attorney can use this sample as a guide in drafting a prenuptial agreement that best protects your interests and complies with the laws in effect where you live.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Here in after referred to as Prospective Husband, and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Here in after referred to as Prospective Wife, hereby agree on this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, in the year \_\_\_\_\_\_, as follows:

Prospective Husband and Prospective Wife contemplate marriage in the near future and wish to establish their respective rights and responsibilities regarding each other's income and property and the income and property that may be acquired, either separately or together, during the marriage.

Prospective Husband and Prospective Wife have made a full and complete disclosure to each other of all of their financial assets and liabilities, as more fully set forth in the accompanying Financial Statements, attached hereto as Exhibits A and B.

Except as otherwise provided below, Prospective Husband and Prospective Wife waive the following rights:

To share in each other's estates upon their death or separation/divorce without a prenup, state law will specify how your property will be divided if you ever divorce. These laws may dictate a result that neither of you wants. You can use a prenup to establish your own rules for property division and avoid potential disagreements in the event of a divorce. In most states, you can also make agreements about whether or not one or both of you will be entitled to alimony.

To spousal maintenance, both temporary and permanent.

To share in the increase in value during the marriage of the separate property of the parties.

              i.                Whether to file joint or separate income tax returns or to allocate income and tax deductions on separate tax returns

             ii.                Who will pay the household bills - and how?

            iii.                Whether to have joint bank accounts and, if so, how you will manage them

            iv.                Agreements about specific purchases or projects, such as buying a house together or starting up a business.

             v.                How you will handle credit card charges -- for instance, whether you will use different cards for different types of purchases, what kinds of records you will keep, and how you will make payments

            vi.                Agreements to set aside money for savings

           vii.                Agreements for putting each other through college or professional school

          viii.                Whether you will provide for a surviving spouse -- for example, in your estate plan or with life insurance coverage, and

            ix.                How to settle any future disagreements -- for example, you might agree to hire either a mediator or a private arbitrator

             x.                Use of last names after you marry

            xi.                agreements about having and raising children, such as birth control, having children, children's names, child care responsibilities, and education

           xii.                How you will relate to in-laws or stepchildren of previous marriage.

To share in the pension, profit sharing, or other retirement accounts of the other.

To the division of the separate property of the parties, whether currently held or hereafter acquired.

To any claims based on the period of cohabitation of the parties.

[SET FORTH RELEVANT EXCEPTIONS HERE.]

[ADDITIONAL PROVISIONS HERE. These can range from prescribing that the children will be raised in a particular religion to allocating household chores between the parties.] A prenup is helpful (perhaps essential) if either of you has children from another relationship and you want to make sure that your children inherit their share of your property. In a prenup, one or both spouses can give up the right to claim a share of the other's property at death, perhaps in exchange for an agreed upon amount of property.

Both Prospective Husband and Prospective Wife are represented by separate and independent legal counsel of their own choosing.

Both Prospective Husband and Prospective Wife have separate income and assets to independently provide for their own respective financial needs.

If your property includes something you want to keep in your birth family, whether it is an heirloom or a share in a family business, you and your spouse can agree that it will remain in your family, and you can specify that item in your prenup. This can even include property that you expect to receive in a future inheritance.

This agreement constitutes the entire agreement of the parties and may be modified only in a writing executed by both Prospective Husband and Prospective Wife.

In the event it is determined that a provision of this agreement is invalid because it is contrary to applicable law, that provision is deemed separable from the rest of the agreement, such that the remainder of the agreement remains valid and enforceable.

This agreement is made in accordance with the laws of the state of \_\_\_\_\_\_\_\_\_\_, and any dispute regarding its enforcement will be resolved by reference to the laws of that state.

This agreement will take effect immediately upon the solemnization of the parties' marriage.

I HAVE READ THE ABOVE AGREEMENT, I HAVE TAKEN TIME TO CONSIDER ITS IMPLICATIONS, I FULLY UNDERSTAND ITS CONTENTS, I AGREE TO ITS TERMS, AND I VOLUNTARILY SUBMIT TO ITS EXECUTION.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Prospective Husband

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Prospective Wife