

PRENUPTIAL AGREEMENTS

For those concerned about the possibility of divorce down the road, premarital agreements are a reasonable precaution. When a person marries, often his or her separate property commingles with property that is considered community property. This commingling can create major complications in the event of divorce.

Under Texas law, all community property is subject to division in a divorce. All property possessed by either spouse is presumed to be community property, unless it is proven to be separate property. A premarital agreement allows a person who is about to marry to preserve and protect his or her separate property estate, by predetermining the characterization of property or income at the time of divorce or death.

Prenups are most popular with people who enter a marriage with large assets. Often these assets are not easily divisible, such as an interest in a family owned business or a large tract of real estate. Though most premarital agreements are mainly concerned with complex property issues, they can set boundaries on many other issues in a marriage.

Premarital agreements can involve:

- Wills and trusts
- Rights to control property during the marriage
- Dividing retirement and employee benefits
- Homestead rights
- Personal behavior

Combined, we have more than four decades of experience creating and dealing with premarital agreements and the unique circumstances and needs of our clients.

POST-MARITAL AGREEMENTS

Sometimes an agreement between spouses that divides marital property can be a good way to preserve and protect assets and reach agreements concerning financial issues. These can ease marital stress and sometimes resolve issues to avoid a divorce or divide assets to avoid a dispute about asset division in the event of a divorce. A post-marital agreement or asset partition agreement may also be done to protect one spouse's assets from the other's debts, to protect assets from the risk associated with a spouse's business venture, or for a variety of other reasons.

COHABITATION AGREEMENTS

Sometimes couples want to live together without the potential threat that one day it might be alleged that they were informally married, otherwise known as common law married. To avoid that risk, couples can enter into cohabitation agreements that set out their marital status and clarifies any financial arrangements or commitments they have with each other.

If you would like to explore this avenue of protecting your rights, our firm can assess your situation and determine if a marital agreement would be appropriate for your unique situation.