

Agreements Before and After Marriage

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Premarital Agreement

A premarital agreement is a contract made in writing between spouses before they are married. The contract usually awards property to each spouse which might otherwise be shared equally by the spouses. Whether the marriage ends through death or divorce, the agreement remains valid for dividing property when the marriage ends.

Prenuptial agreements are more common for subsequent marriages than for first marriages. People who get married for a second or third time are more likely to have property than people who are getting married for the first time. Anyone who has children when they marry for a second time may want to preserve property and assets for their children. Sometimes children are reassured about the legitimacy of a subsequent marriage if there is a prenuptial agreement because they know the marriage is not motivated by financial gain.

Postnuptial

A postnuptial agreement is also a contract between spouses which details the terms of property division if the parties should divorce OR if a party should die. A postnuptial agreement is made while two parties are married. A postnuptial agreement can protect assets for children or other beneficiaries. Each spouse has inherent rights under the law to marital property and even a valid will cannot take away those rights. A valid premarital or postnuptial agreement can take precedence over a valid will.

Getting Legal Help

Experienced California Estate Planning Attorney Shannon Howell can help you understand estate planning and create a plan to protect your assets and your loved ones. **Contact us today to discuss your individual planning needs at (619)-739-4657.**
