

Sacramento Divorce Lawyer: Marital Agreement is Outta Here!

**By Matthew Crider, JD
Family Protection Attorney**

In the high-profile divorce of Frank and Jamie McCourt, the ownership of the Dodger's hangs in the balance. Frank put his faith in a marital property agreement that he believed would result in him keeping the team. After a judge's ruling that the property agreement was not valid and enforceable, it's as if there was never any such property agreement and the parties are like any other in California trying to characterize particular property in a divorce. This leaves questions about how this marital property agreement failed and how attorneys can avoid their clients' agreements suffering the same fate.

A marital property agreement, also known as a post-nuptial agreement, is an interspousal agreement, executed *during* an intact marriage, that affects marital rights and obligations. The Family Code specifically permits spouses to alter the property rights of husband and wife prescribed by statute through the use of a marital property agreement. Essentially, a marital property agreement can change the character of property. This can be a very powerful tool. But, as with any other legal agreement, the marital agreement also must comply with general contract law, *i.e.*, it must be the product of the free, mutual consent of the parties, communicated by each to the other.

The McCourt's marital agreement was set aside for lack of mutual understanding on what it meant when it was signed. As NPR.org reports,

"Both sides gave differing accounts of what their intentions were when they signed the agreement, but one aspect was clear — neither of them read the agreement closely enough."

Indeed, the Judge's tentative ruling, as reported by the Huffington Post, states that "[t]he parties had mistaken belief and no agreement as to the meaning of the agreement, the content of the agreement, and the effect of the (agreement) on their property and property rights."

To confuse things further, there also seems to have been two conflicting versions of the property agreement.

The McCourt case illustrates the wrong thing to do when using a marital property agreement. To get it right, make sure you consult with a Sacramento Divorce Lawyer. Also always make sure you read and understand what you are signing. Sounds obvious, but all the money involved in this situation didn't buy some basic common sense.

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About Matthew Crider, J.D.

Matthew Crider formed [Crider Law PC](#) in 1999 so he could help individuals through the California divorce process by providing creative solutions as their trusted advisor and legal counselor. His divorce and family law practice focuses on assisting people in dissolution matters, including divorce, child custody and visitation, child and spousal support, spousal support and alimony, and parental rights.

