

PROS & CONS OF A PRENUPTIAL AGREEMENT IN BOCA RATON, FLORIDA

“For some people, the biggest “con” or disadvantage of a prenuptial agreement, also known as a premarital agreement, is that it ruins the romance.”



TINA L. LEWERT, ESQ.



For some people, the biggest “con” or disadvantage of a prenuptial agreement, also known as a premarital agreement, is that it ruins the romance. When you consider proposing to the love of your life, you are not thinking about a time when you both will want to end the marriage. As your beautiful wife-to-be beams over the proposal, she is not thinking about a day when dividing marital assets seem like war.

Unfortunately, divorce is something that many couples face whether it is early in their marriage or after many, many years of marriage. Whether the couple has a modest amount of marital assets or they have amassed substantial wealth, dividing assets during a divorce can be a frustrating and painful process. Having a prenuptial

agreement can help resolve some of the issues that many couples face during the property division phase of their divorce.

Disadvantages of Prenuptial Agreements



As discussed above, the number one disadvantage or “con” of asking your future spouse for a prenuptial agreement is that it takes the romance out of the engagement. More to the point, the discussion of a prenuptial

agreement may make one of the parties feel as if their future spouse does not trust them. In some cases, the idea of a prenuptial agreement is so distasteful, the other party may call off the wedding. Regardless of the person’s intention, a prenuptial agreement can create tension and arguments as each person struggles to understand the other person’s point of view.

Another “con” is that a prenuptial agreement is not always enforceable. Even though you enter a prenuptial agreement, it may not hold up in court unless you have taken the proper steps to ensure that the agreement is legally binding on both parties. In order for a prenuptial agreement to be legally binding, it cannot be obtained under duress or fraud and there must be full disclosure of all material facts by both parties.

In order to avoid problems, both parties should be represented by attorneys with experience in prenuptial agreements. Prenuptial agreements that are challenged in court can be costly and time-consuming thereby defeating the reasons why the parties entered the agreement in the first place.

Advantages of Prenuptial Agreements



While some people may view prenuptial agreements as killing the romance, having an agreement is a practical way of protecting your finances and your future. Prenuptial agreement pros include:

- Full disclosure** – Having full disclosure by both parties of their finances before getting married is always a good idea. Premarital agreements are a way to accomplish this goal in a calm, reasonable manner. Both parties should have their own attorney during the process to ensure each party's interests are protected.
- Protect your children** – If you have children from a previous marriage, having a premarital agreement protects your child's rights to your financial estate should

you divorce or die. Most parents combine prenuptial agreements with other estate and trust planning to protect their children's financial interests.

Protect premarital wealth – If you have substantial wealth, either from family inheritance or accumulated through your hard work, a premarital agreement will protect that wealth in the event that you and your spouse divorce. If this is a second or third marriage, you need to take steps to protect the assets you have accumulated prior to this marriage.

Reduce divorce costs – The division of assets in a divorce can be complex and costly. Having a premarital agreement can reduce the cost of the divorce by having a well-defined agreement as to how assets will be divided in the event of a divorce. It removes the need to argue over who gets what. The prenuptial agreement provides the framework for how assets accumulated during the marriage will be divided as well as protecting assets that you bring into the marriage.

Always Consult an Experienced Prenuptial Attorney



A prenuptial agreement that can be successfully challenged in court is a waste of time and money. In order to ensure that you are entering an agreement that is legally binding and that your interests have been protected throughout the negotiating process, you need an attorney with substantial experience in the area of premarital agreements.

Ideally, both parties should be represented by their own attorneys to ensure that neither party is taking advantage of the other party. Furthermore, both parties must agree to full and complete disclosure to ensure that both parties are entering the agreement with a full understanding of the other party's financial situation.

Contact a Boca Raton Prenuptial Attorney for More Information

Be Confident. You have a Legal Expert on Your Side

Lewert Law Offices, P.A., is a full service Boca Raton Family Law firm providing expert legal advice and representation in all aspects of marital and family law representing clients throughout Broward County and Palm Beach County. Tina L. Lewert, Esq. is Board Certified by the Florida Bar in Marital & Family Law. She is also a highly-skilled mediator who has been certified by the Florida Supreme Court.

Contact Lewert Law Offices, P.A. by calling **561-419-9634** or by using our convenient [online contact form](#).

About the Author



Tina L. Lewert, Esq.

Tina L. Lewert, Esq. is a seasoned lawyer who works with clients to resolve all of their family law and divorce issues, including complex asset distribution, child custody and parenting issues, child support, alimony, and marital agreements, working diligently to obtain the best results possible. As a Board Certified Specialist in Marital & Family Law, Ms. Lewert is one of fewer than 6% of lawyers in Florida who has been designated by The Florida Bar as an “Expert” in her area of practice. Board Certification is the highest level of recognition by The Florida Bar of the competency and experience of attorneys in their field. Certified lawyers are the only lawyers permitted to identify or advertise themselves as “Experts,” “Specialists,” or “Florida Bar Board Certified.” Achieving such status involves meeting the rigorous standards set by The Florida Bar Board of Legal Specialization and Education, which is operated by the Supreme Court of Florida, and includes favorable confidential peer and judicial review, extensive continuing legal education, and substantial involvement and trial work in marital and family law cases sufficient to demonstrate special competence in the area of practice. Ms. Lewert is also a Supreme Court Certified Family Law Mediator.

Lewert Law Offices

The Plaza

5355 Town Center Road, Suite 203

Boca Raton, Florida 33486

Phone: 561-544-6861

Website: www.lewertlaw.com