

## **TAKING THE “COURT” OUT OF COURTSHIP**

### *Why You Need A Smart-Nup*

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Let’s face it – most people react negatively to the word “*pre-nup*.” There is something inherently distasteful about the idea of hedging your bets before you get married. Marriage is supposed to be about love, about romance, about infinitely wondrous possibilities, about forever and ever, for richer or poorer, in sickness and in health. Marriage is not supposed to be about money.

Consequently, pre-nuptial agreements are often seen as cold and calculating, as cynical and sinister, and as a prescription for divorce. Unfortunately, not all marriages have a happy ending, making pre-/post-nuptial agreements an integral part of marital and financial planning.

#### **Love is grand, but divorce will be Fifty Grand!**

Divorce is not only a time-consuming, contentious, and emotionally draining process, but it can also be very expensive. Pre-nuptial agreements do not put a price tag on love and marriage; they put a price tag on divorce!

A legally binding pre-nuptial agreement drastically reduces the cost of divorce. For every \$1 you spend on a pre-nup, you will save anywhere from \$100 to \$1,000 in a divorce.

A pre-nup may just be one of the best financial planning decisions you ever make. That is why I don’t call these agreements “pre-nups” / “post-nups”. I call them Smart-Nups!

#### **Everyone Gets a Pre-Nup - Whether You Want One or Not**

Each and every marrying couple gets a pre-nup, whether they want one or not. At the very moment that you are staring into each other’s eyes and saying, “I do,” New York State is pronouncing you an economic unit, subject to the Domestic Relations Law.

The Domestic Relations Law is the statute that governs how your assets and debts will be divided upon divorce, and whether one of you can get alimony, including how much you can get and for how long.

### **Be the Masters of Your Fate**

A Smart-Nup gives you the opportunity to opt out of the Domestic Relations Law (the state system). It also gives you the opportunity to take charge of your own affairs, and to write a marriage contract to suit your individual needs.

### **Playing the Odds - Get "Divorce Insurance"**

Many people say, "A pre-nup will jinx my marriage." That makes about as much sense as saying, "If I get homeowner's insurance, my house is more likely to burn down."

You have to face an unpleasant reality. Roughly half of first marriages fail. The median duration for first marriages that end in divorce is just over six years. For second marriages, the rate of failure is even higher and the median duration, even shorter.

The best way to think about a Smart-Nup is as a form of "divorce insurance" with no annual premium. For a small, one-time fee, you get something you hope you never have to use, but if you ever need to, you will be glad you have it, and it will save you a lot of money.

A Smart-Nup simply recognizes that bad things happen to good people; that it is always better to be prepared for the unanticipated.

### **Money is the Root of All Evil**

It is often said that money is the last thing people talk about before they get married and the first thing they fight about after getting married. In my divorce practice, conflicts about money are at the root of about 70% of divorces.

By entering into a Smart-Nup, you and your partner put all your financial cards on the table up front. This will ensure that you play with a full deck on financial issues once married, helping to reduce the likelihood of divorce.

### **Three's a Crowd - Keep the Judge Out of It**

Matrimonial Judges have literally hundreds of divorce cases pending before them at any given time. The Judge simply cannot take the time to understand your financial circumstances as well as you do. As a result, your financial future is basically resting in the hands of a stranger.

A Smart-Nup allows you to keep all of the potentially life-altering decisions about your income, assets, and debt in the event of divorce where they rightly belong - with you.