

## Marital Agreements

It is not uncommon for someone who is getting married or entering a cohabitating relationship to worry over what would happen in the event of a divorce or breakup. You don't have to leave all of your "what if's..." to speculation. By executing a marital agreement or cohabitation agreement, you can spell out each party's responsibilities and obligations during and after the **relationship a legally binding contract. How We Can Help**

Our family and matrimonial law attorneys want to help you enter or remain in your marriage or cohabitating relationship with peace of mind. We can prepare for you a variety of marital and cohabitation agreements or provide advice and opinion on those prepared by your partner. Save yourself from having to fight over the division of property after the relationship ends. Call Tully Rinckey and schedule an initial consultation with an experienced divorce attorney in Rochester, NY if you are interested in any of the following agreements:

### **Pre-Nuptial Agreement ("Pre-Nup")**

When executed

: Before the marriage.

Addresses

: This agreement outlines each party's assets and property rights if the marriage is later dissolved. This agreement also outlines each party's rights, responsibilities, and obligations during and after the union.

Popular with

: Wealthy parties, business owners, parties nervous about getting married, parties entering second or subsequent marriages, and parties with differing amounts of assets and liabilities.

Common Purposes

:

Come to an agreement about who will retain ownership of property that is acquired throughout the course of the marriage.

Determines who is entitled to a previous or currently existing estate/inheritance.

Outlines the amount and duration of spousal maintenance in the event the marriage dissolves.

A party can waive their right to spousal maintenance, equitable distribution, or counsel fees in the event the marriage dissolves.

Transfer assets to children from a prior marriage in the event of death

## **Post-Nuptial Agreement (“Post-Nup”)**

When executed

: After the marriage.

Addresses

: Each spouse’s rights, responsibilities, and obligations during or after the union.

Popular with

: SPOUSES with concerns about infidelity or financial mismanagement or recklessness, and SPOUSES who doubt the marriage will last.

Common Purposes:

Divide assets, liabilities and expectations of gifts or inheritances.

Determination of ownership of property after the marriage dissolves, focusing on issues relating to appreciation, gains, income, and dividends.

Determine who will own any marital home or second home.

Outline what will happen to other personal property, whether held jointly or individually, such as artwork or jewelry.

Outline an agreement relating to spousal support payments.

## **Separation Agreement**

When executed

: During the marriage.

Addresses

: Each spouse's rights, responsibilities, and obligations while they live separate lives.

Popular with

: : Each spouse's rights, responsibilities, and obligations while they live separate lives prior to the divorce becoming final.

## **Cohabitation Agreement**

When executed

: Before or after the couple begins cohabitating.

Addresses

: Each unmarried party's responsibilities and obligations, during or after the relationship.

Popular with

: Same-sex couples and unmarried, cohabitating couples.

Common Purposes:

To determine how property will be divided in the event of a breakup or death.

Determine responsibilities relating to financial support either over the course of the marriage or upon its dissolution

Determine the payment of debts

Determine who will retain the principal residence in the event of a breakup or death

oOutline support, custody, or visitation rights for children

oDecide who has the right to serve as guardian in the case of incapacitation

oOutline rights regarding the right to make medical decisions

Tully Rinckey PLLC's family and matrimonial law attorneys can represent individuals and families in and around Rochester including Batavia, Geneseo, Canandaigua, Albion, Elmira, Horseheads, Corning, Hornell, Watkins Glen, Seneca Falls, Geneva, Lyons, Marion, Warsaw, and Penn Yan. Call today to schedule a meeting with one of our family and matrimonial lawyers at

585-492-4700

or e-mail [info@1888law4life.com](mailto:info@1888law4life.com)

. [Click here](#)

to view a video about our consultation process.

If your legal matter is urgent, call 518-727-3593 to speak to an attorney 24 hours a day, seven days a week. The firm is responsive to the needs of current and prospective clients. We will respond to phone calls within normal business hours and e-mails within hours on the same business day.