

PRENUPTIAL AGREEMENTS PRELIMINARY DISCUSSION CHECKLIST

OKLAHOMA is a COMMON LAW STATE (not community property): all property that an individual owns before marriage is considered his or her separate property. A valid pre-marital agreement must be signed by both parties prior to the marriage ceremony.

Separate property: assets owned by individual prior to marriage

Marital property: assets accumulated during the course of a marriage

Pending date of marriage:

How long acquainted?

How long courtship?

Any known opposition to marriage?

Marriage as Partnership...Marriage as a legal commitment

Define rights and responsibilities of partners

Preup allows you to customize terms of contract

Agreement must be

Fair to both parties

Full disclosure

Financial communications and disclosure (assets, liabilities, income, etc.)

Legal Counsel (one attorney or two?)

BENEFITS of a prenuptial agreement:

During marriage:

Financial rights & responsibilities

(alimony, child support, business venture, other indebtedness)

Management/control of real estate, financial assets

Accounts: separate or joint or both

Divorce: division of assets; waiver of payment of alimony/spousal support

Death: Distribution of assets upon death (intended inheritance to children)

Separate property

Marital property

Allowance for administration/settlement of estate

Proper estate planning documents

Living trusts, wills, DPOAs, beneficiary designations...