Why you need to speak to a family law lawyer when thinking about a Prenuptial Agreement

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At Matthews Folbigg Lawyers we work closely with our clients to ensure they are well aware of their entitlements when undertaking a property settlement. Matthews Folbigg family law specialists regularly provide professional advice to clients about how to protect their assets in the event their marriage or relationship breaks down, by entering into a prenuptial agreement.

Our lawyers have extensive experience in drafting prenuptial agreements.

Why you need to seek advice from a family law lawyer about obtaining a prenuptial agreement?

Prenuptial agreements are very complicated and require strict compliance with the legislation for the prenuptial agreement to be valid. A prenuptial agreement is binding on the parties to the Agreement if, and only if:

- The prenuptial agreement is signed by both parties;
- Before the agreement is signed, each party is provided with independent legal advice from a legal practitioner as to the following matters:

    1. The effect of the agreement on the rights of that party; and
    2. The advantages and disadvantages, at the time that the advice was provided, to the party of making the agreement.

- Before or after signing the agreement, each party was provided with a signed statement by the legal practitioner stating that the advice required was provided;
- A copy of the statement referred to above was provided to the other party or their legal practitioner; and
- The agreement has not been terminated and has not been set aside by a Court.

A prenuptial agreement can deal with various matters including but not limited to:

- How any property is to be divided;
- How any debt is to be disbursed;
- How much spouse maintenance, if any, should be paid.

It is important that a prenuptial agreement is finalised in a timely manner. Therefore, it is important that you plan ahead and contact our family law lawyers at Matthews Folbigg to receive the best advice possible about your prenuptial agreement.

Contact us on 1800 300 170 or email us at familylaw@matthewsfolbigg.com.au

Disclaimer

Family law situations can be complex and sometimes they can involve serious issues. Information outlined is proposed to provide general guidance only. Due to the seriousness of legal matters as well as the uniqueness of your individual situation, professional advice should be sought. For advice, please contact one of our Family Lawyers.