
pre-nuptial right before marriage

Posted by jpol - 2008/03/01 13:38

is there is a law that says that a prenuptial must be done at least XX number of months before marriage so that one party may not claim distress? how manys months in advance should it be done?

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Re:pre-nuptial right before marriage

Posted by et non - 2008/03/02 01:22

6 months or more is usually necessary. Any less and the courts may say a party was likely under duress.

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Re:pre-nuptial right before marriage

Posted by Samantha - 2008/03/02 17:13

the pre-consideration time is essential, but so to is the need for each party to obtain separate counsel and have adequate time to review and negotiate.

I have seen agreements (contracts where parties did not have legal representation) between boyfriend/girlfriend prior to marriage held up by the courts upon divorce, but the circumstances usually resemble more of a loan than a prenup (agreement in contemplation of marriage).

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Re:pre-nuptial right before marriage

Posted by Tim46 - 2008/03/02 20:20

I don't understand? What do you mean they resembled more of a loan than a prenup? There are only a couple of ways a true prenup can be drafted. Just a little confused.

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