

# How to Challenge a Prenuptial Agreement in Utah

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Obviously, nobody enters a marriage with the expectation it may end some years later with a separation, divorce, or worse yet, an untimely death. Unfortunately, these things do happen. ***A prenuptial agreement is often wrongly considered to be an expectation of such events when in actuality it is a means of protecting each spouse's interests.*** First, it can make a messy divorce proceed a bit smoother, but also can assure particular family heirlooms stay within the proper family if the new family doesn't stay together. Additionally, it provides basic protection when one spouse is has far more money than the other.

## What is a Prenuptial Agreement?

***In its most essential description, a prenuptial agreement a declaration of who owns what in a relationship.*** A house, for example, if one person moves into the other the homeowner may not want to be obligated to sell the house in the event of a divorce. ***It doesn't mean the person who moved in doesn't have an equal interest in the property, but there are ways to arrange ongoing payments to cover their interest rather than making the homeowner sell a family property or home they owned before they marriage.*** Likewise, alimony to split income may be expected if one spouse left their career for the marriage, but wealth accumulated before the marriage may not necessarily receive an equal split in the divorce.

## Reasons to Consider a Premarital Arrangement

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***After a marriage in which the couple shared their life and possessions, it is only fair to split the wealth should the couple decide to part ways, but some things clearly belong to one or the other of the partners.*** Clearly, a valuable collection or especially a pet “should” by all rights go with one or the other spouse. When a judge determines an equitable split of possessions, such considerations may not come into play. Likewise, there may be particular family heirlooms or a controlling interest in a family business which should remain in the primary family rather than going with the ex-spouse.

## Putting Together a Well Thought Out Agreement

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***It’s important to note, an unfair prenuptial agreement is not going to be recognised by the court during divorce proceedings.*** There are ways to word the contract in such a way as to make sure neither spouse is going to be forced to live with undue hardship while retaining the property rights of the other. When each partner discusses their concerns with their own attorneys, it allows the lawyers to put together an agreement which will be fair to both sides should the misfortune of divorce come up later.

## Why an Agreement May Be Invalid

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- Verbal agreements are simply not a legal arrangement. The contract has to be written and notarized to be valid.
- The agreement has to be presented with enough time for each spouse to fully consider what it means rather than being forced to sign it.
- If the agreement presents false information a judge will rule it invalid.
- Any aspect of the agreement deemed unconscionable by putting one or the other spouse into severe financial hardship is not going to be considered during the divorce hearings.

## Contact Prenuptial Agreement Lawyer David Pedrazas in Salt Lake City, Utah Today

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If you feel the need for a prenuptial agreement, the way to approach it is to discuss with your fiance why you feel the need and how to proceed. Then call an experienced prenuptial agreement attorney at the Law Office of David Pedrazas in SLC, UT to help put together an equitable agreement for both sides. Give us a call at **801-263-7078** to schedule a **free case evaluation** today.