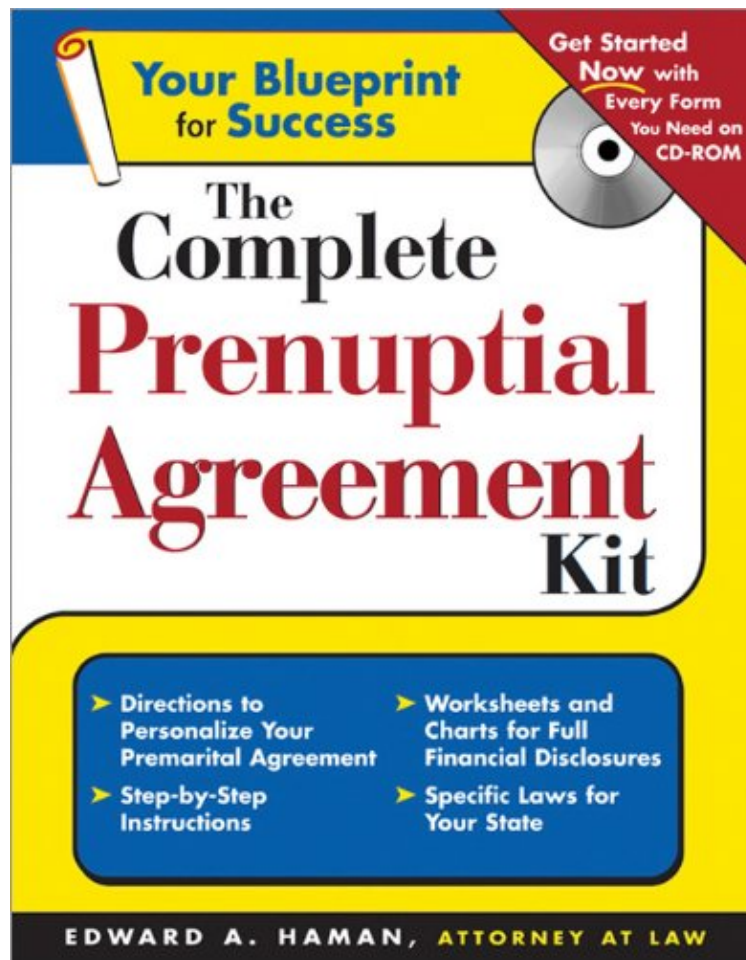


[Free pdf] The Complete Prenuptial Agreement Kit (Book CD-ROM) (Write Your Own Prenuptial Agreement)

The Complete Prenuptial Agreement Kit (Book CD-ROM) (Write Your Own Prenuptial Agreement)

Edward A. Haman

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Strengthen Your Relationship by Opening the Doors of Communication A prenuptial agreement is an integral part to starting your marriage off right. It can help open the doors of communication to direct your marriage toward greater understanding and financial success. And when the unexpected happens, a prenuptial agreement can go hand-in-hand with your other estate planning documents to protect you and to make sure you and your future spouse—not the government—control your property. The Complete Prenuptial Agreement Kit is your guide to constructing the agreement and relationship that you want for the rest of your life. Protect Your Assets Ensure that you get to make your own decisions about distribution and division of your property. Find the Law for Your State Each state's laws are listed, providing you with the most current information for your state. Start Your Marriage with Openness Begin your marriage with a greater understanding of each other's financial situation and a smaller chance of ending your relationship in a divorce. Provide for Your Children Guarantee that children from a previous marriage will be taken care of if you are no longer able to care for them yourself. Strengthen Your Relationship As your relationship grows, you can adapt your agreement to reflect your changing lifestyle. Write a Prenup that's Right for You Find everything you need to create and complete your own prenuptial agreement, with step-by-step instructions and samples in the text. Whether you are about to get married, or already are, use The Complete Prenuptial Agreement Kit to protect yourself, your assets and your loved ones.

About the Author Edward A. Haman received his law degree in 1978 from the University of Toledo College of Law. As a student, he served as coordinator of the law school's Client Counseling Competition team, and as editor of the law school's legal journal, *Discovery*. He also has a bachelor of arts degree from Western Michigan University, with a major in communication and minors in accounting and general business. Since graduating from law school, he has practiced law in three states. In Hawaii, Mr. Haman was engaged in general private practice, initially as a sole practitioner, then with a small law firm emphasizing family law, real estate, and business law. This included trial practice, as well as criminal appellate work before the Supreme Court of Hawaii and the U.S. Court of Appeals in San Francisco. In Michigan, he served as a Circuit Court domestic relations hearing officer. After moving to Florida in 1986, he spent several years as an attorney for the Florida social services agency, handling a variety of legal matters, including cases involving the abuse and neglect of children, the elderly, and the disabled; public health matters; child support enforcement; welfare fraud; and the licensing of assisted living facilities, nursing homes, and other health care facilities. Mr. Haman has also engaged in private practice in areas such as real estate, family law, and probate. Since 1987, Mr. Haman has authored and co-authored numerous self-help law books, including *The Complete Bankruptcy Guide*, *File Your Own Divorce*, and *The Complete Living Will Kit*. In connection with the self-help law books, he has been a guest on numerous radio programs, and has appeared on the Fox News Channel. He has also written several articles for *The Florida Keystone Series*, a legal publication for attorneys. Currently residing in Tampa, Florida, Mr. Haman continues to write books, and also volunteers as a support group facilitator for the Alzheimer's Association. In his spare time, he enjoys traveling, kayaking, snow skiing, hiking, and mountaineering. Excerpt. Reprinted by permission. All rights reserved. The Benefits of Prenuptial Agreements Excerpted from *The Complete Prenuptial Agreement Kit* by Edward A. Haman 2006 Your state government has created a plan for how your property will be divided in the event of divorce or death. Ask yourself if you are satisfied with the state's plan or if you want your own plan. Think about all of the laws your state legislature has passed. Then, ask yourself if you like any plan the legislature came up with on any subject. Most state laws regarding the distribution of property after death or in the event of divorce leave plenty of room for a judge's interpretation. Therefore, you can never be sure what a judge will decide is really your property after a marriage. The only way to possibly avoid this is with a prenuptial agreement. The need to have a prenuptial agreement often does not become apparent until there is a divorce or a death, which is when problems you never thought of tend to emerge. Divorce is more common than most want to believe. Some statistics suggest the divorce rate is even higher in second marriages than in first marriages. Do not forget that prenuptial agreements can be useful in the event of death, which is a subject even fewer people seem comfortable thinking about. It is always strange to hear insurance salesmen talking about "in the event of death," as if some people escape it altogether. Most people think that a prenuptial agreement is what rich people use to protect their property in the event of divorce from their less wealthy spouse. Actually, there are many more reasons to use a prenuptial agreement. First Marriages Even if you and your partner are a young couple with no significant property and typical jobs, and this is the first marriage for both of you, there is some evidence to indicate that prenuptial agreements actually promote stability in a marriage. This is because preparing one gives you a chance to carefully think about the significance of marriage, to clearly understand each other's financial situation, and to consider how you see your financial futures (individually and together). Discussing a prenuptial agreement, even if one is never finalized, will make you realize that by getting married, you are entering into a legally binding contract with financial rights and obligations. This side of marriage is usually totally overshadowed by the romantic and religious aspects, and by the ceremony and honeymoon planning. Many spouses do not know any of the details of the other's finances. Since one of the requirements of a prenuptial agreement is fully disclosing each party's financial situation, preparing one will help the couple get a clearer understanding of their total financial health. This can be very helpful in making financial decisions. If more couples

had worked together on such things as purchasing decisions and monthly budgeting, perhaps the bankruptcy and divorce courts would not be as crowded as they are today. It is also good for a couple to share common dreams and goals. Focusing on a prenuptial agreement can help the couple discuss their career and economic goals in life. Especially with the common two-career couple, it is important to share thoughts on where each person intends his or her career to head. If each person is intent on developing his or her career, it might be a good idea for the couple to sign a prenuptial agreement giving up rights in each other's income or business (especially if they have a fairly equivalent earning potential and they are just starting out in their careers). On the other hand, if they are in business together, a prenuptial agreement could outline how the business will be divided in the event of divorce. This document would avoid expensive attorneys' fees later, and prevent a fight over the business in the divorce proceeding.

Children of Prior Marriages

One of the main circumstances for a prenuptial agreement is when one or both of the parties have children from a prior marriage or relationship. In such cases, a prenuptial agreement may be the only way to assure that the children are protected in the event of divorce or death. Otherwise, all of your property may go to your second spouse, with your children getting nothing. Example: Rob and Rita are married and have no children together, but Rob has two adult children from his former marriage. If Rob dies without leaving a will, under the laws of their state, all of Rob's property goes to Rita. Rob's children will receive nothing. A prenuptial agreement can help assure that children from a prior marriage will be provided for as intended by their parent. Your future spouse should have no objection to you wanting to take care of your children.

Business or Investment Partners

If you have business partners, especially if they are family members, you should have a prenuptial agreement to prevent disruption of the business in the event of divorce or death. Otherwise, you or your partners may end up with your spouse as a business partner, and that can cause all kinds of problems. This caution also applies if the business is a privately held corporation. Many problems have occurred when a spouse inherits stock or receives stock as part of a divorce judgment. Example: Mark and his brother Jim each hold 50% of the stock in a small restaurant business started by their father. Mark married Jane, and several years later Mark died, leaving Jane his half of the stock. Jane was then the business partner of her brother-in-law. Jane then married Fred. When she and Fred divorced two years later, she gave Fred the stock in the restaurant as part of the property settlement. Now Jim has Fred for a partner. Is this what Mark would have wanted? Is this what Mark and Jim's father intended to happen to his family business? Suppose Mark and Jane had divorced. A judge might have divided the stock between them. Now Jim would have 50%, and Mark and Jane would each have 25% percent. Now Mark has his ex-wife as a business partner. Mark and Jim together could out-vote Jane, but what might happen if the relationship between Mark and Jim was strained to begin with? Now Jim and Jane might join forces to out-vote Mark.

Your Situation

Most states first divide property into two categories: marital property and nonmarital property. Generally, nonmarital property includes what each of you had before your marriage. If you are like most people, you would both want to keep what was yours before you got together, in the event you split up. This sometimes becomes a problem if you cannot prove what was yours before. In a prenuptial agreement, you can write down what these nonmarital items are for each of you. That way, there is no arguing later. You may have family heirlooms or other special items that you would like to stay in your family when you pass away. Example: Diane has a diamond pendant that belonged to her great-grandmother. In the event of her death, Diane would want it to go to her sister. However, if she died without a will, the pendant would go to her husband. Even if she left the pendant to her sister in a will, her husband might have the right to the pendant if it was so valuable that it is a substantial portion of Diane's estate. Diane's husband might then marry, have a daughter with his new wife, and give the pendant to his daughter. This type of situation is common in countless families, quite possibly including yours. In such cases, a prenuptial agreement might avoid undesirable results. You should consider a prenuptial agreement if any of the following situations apply: you and your fiancé want to review your financial situation and plans for the future; one or both of you own a business; one or both of you are starting out in a career or in a business with potential for substantial financial growth; one or both of you have significant property (including cash) that you want to preserve for yourself in the event of divorce; or, one or both of you have certain items you want to preserve for someone else (such as a family member) in the event of divorce or death. In addition to these situations, you need to examine your financial circumstances (including future plans for your career, business, or investments) and think about how they might be affected by a divorce or death.