

What To Know

PRE-NUPTIAL AGREEMENTS

Common Ways to Get Out of a Pre-Nup

1

UNDER DURESS/COERCION

You're a month away from your wedding date and you've booked the location, invited the guests, and figured out the catering. Then your future partner slyly asks you to sign a Pre-Nup, thinking now's the perfect time after all the planning you've done. This is a form of a Pre-Nup that's Under Duress. Being Under Duress in this case means that you've signed/are being asked to sign without free choice/will and your partner is pressuring you to do so.

LACK OF INDEPENDENT COUNSEL

When going through a Pre-Nup, it's essential to have an unbiased, independent counsel. Your partner can't just choose someone he/she knows or some friend of a friend. That would be, in this case, unfair representation to both parties.

2

3

FAILURE OF DISCLOSURE OF ALL ASSETS

You're going through the divorce with your partner when you find out they haven't been very truthful about what they're worth. They've got more money than you thought, and the Pre-Nup you signed gives you a dollar figure way less than what they're actually making. This is considered Failure of Disclosure of All Assets. In order for a Pre-Nup to be legitimate, it must discuss and include all assets of both parties. Lack of/inaccuracy of information in this area can be the key to getting out of that Pre-Nup.