

## Preuptial Agreements/Marital Agreements

Marriage significantly complicates the issues of property ownership and debt liability. During the marriage, questions may arise regarding the management and control of property or the payment of debt. Upon the death of a spouse, disputes may arise regarding whether an asset was owned by the deceased spouse or the surviving spouse. In the event of a divorce, litigation over property division and spousal maintenance can last years and consume significant resources. These issues are significantly magnified in cases involving family businesses, blended families, and marriages between people of disparate economic means.

Wisconsin's Marital Property Act creates a set of laws that govern the property rights of married Wisconsin residents during their marriage and upon the death of a spouse. A second set of laws governs property division and maintenance in the event of a divorce. Both of these laws can be altered by an agreement between spouses. If the agreement is entered into before the marriage, it is referred to as a "prenuptial agreement." An agreement entered into after the date of the marriage is referred to as a "postnuptial agreement." Both are also generally referred to as "marital property agreements."

"It is critical for individuals contemplating marriage or their assets after they are already married to understand these laws and how they can be altered. Marital property agreements can be a cost-effective means to address issues that can quickly become emotionally charged when circumstances take a turn. Reinhart's Trusts & Estates attorneys stand ready to help you develop a plan and negotiate a marital property agreement that addresses your unique personal and financial situation.

### **Representative Matters:**

- Negotiated a prenuptial agreement to protect stock in the family's third-generation business from division in the event of a divorce.
- Developed a prenuptial agreement to safeguard significant assets brought to the marriage by one spouse, while protecting the less propertied spouse upon the death of the wealthier spouse.
- In a blended family situation, designed a plan to accommodate the spouse's desire to protect pre-marriage assets for the children of the prior marriage.
- Negotiated a prenuptial agreement to protect a spouse's assets from a significant debt incurred by the other spouse prior to the marriage.