

# PRENUPTIAL AGREEMENT QUESTIONNAIRE

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*Please note that unless you have formally retained our office via a signed agreement, no attorney-client relationship has been formed.*

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\* Required

## A. YOUR GENERAL INFORMATION

1. Name: \*

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2. Your pronouns (he/him; she/her; they/them): \*

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3. Email: \*

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4. Mailing address: \*

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5. Phone Number: \*

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6. Date of Birth: \*

\_\_\_\_\_  
*Example: January 7, 2019*

7. Employer and job title: \*

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8. Do you have children born in or out of wedlock, either biological or formally adopted, with someone other than your fiancé(e)? \*

*Mark only one oval.*

Yes

No

9. If yes, please provide your children's names and dates of birth.

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\_\_\_\_\_  
\_\_\_\_\_  
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10. What is your proposed Wedding Date and where will the ceremony be held? \*

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## **B. YOUR FIANCE(E)'S GENERAL INFORMATION**

11. Name: \*

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12. Your fiancé(e)'s pronouns (he/him; she/her; they/them) \*

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13. Your fiancé(e)'s email address:

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14. Your fiancé(e)'s mailing address (if different from yours):

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15. Your fiancé(e)'s date of birth: \*

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*Example: January 7, 2019*

16. Your fiancé(e)'s employer and job title: \*

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17. Does your fiancé(e) have children born in or out of wedlock, either biological or formally adopted, with someone other than you? \*

*Mark only one oval.*

Yes

No

18. If yes, please provide the names and dates of birth of your fiancé(e)'s children.

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**C. YOUR PRENUP GOALS AND OBJECTIVES**

19. Generally, what are you looking to protect or establish under this prenup? \*

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20. Should this prenuptial agreement be renegotiated or canceled at some point? \*

*Mark only one oval.*

Yes

No

21. If yes, then please list when or under which conditions:

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22. If you anticipate that your fiancé(e) will push back on some of your prenup requirements or does not want to sign one altogether, then please elaborate below.

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23. You and your fiancé(e) are strongly advised to retain separate counsel to \* advocate for your interests under this prenup. If your fiancé(e) has retained separate counsel, then please list the name and email of his/her/their attorney. If your fiancé(e) does not have or refuses to retain separate counsel, then please explain why below.

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24. If your fiancé(e) does not have separate counsel but you would like us to provide a referral for him/her/them, please select "Yes" below.

*Mark only one oval.*

Yes

No

25. Are there any non-negotiable issues that you or your fiancé(e) want to include or exclude in this prenup? \*

Mark only one oval.

Yes

No

26. If yes, then please state which items are non-negotiable for you or your fiancé(e).

Four horizontal lines for text entry.

**D.  
SEPARATE  
PROPERTY  
V.  
MARITAL  
PROPERTY**

*In New York, separate property is property acquired by either spouse before marriage and marital property is property acquired by both spouses during the marriage. Absent a prenup, marital property is subject to "equitable distribution" which is fair but not necessarily equal distribution upon divorce, based on a variety of factors. A prenup allows both parties to opt-out of court supervision over how marital property should be divided.*

27. Should certain family heirlooms, trust funds, expected inheritances, or other significant assets or items of great importance that are owned by you or your fiancé(e) remain his/her/their separate property once you are married? \*

Mark only one oval.

Yes

No

28. If yes, then please elaborate.

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29. Do you or your fiancé(e) have separate property that you would like to change to marital property upon marriage or vice versa? \*

*Mark only one oval.*

Yes

No

30. If yes, then please elaborate.

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**E. LIVING THE MARRIED LIFE UNDER THE TERMS OF YOUR PRENUP**

31. Do you or your fiancé(e) plan to enroll in college, graduate school, other professional school, or to pursue any specialized training during the marriage? \*

*Mark only one oval.*

Yes

No

32. If yes, will one of you support the other during this time and if not, how does your fiancé(e) plan to pay for such education or specialized training?

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33. Where will you live as a married couple? Will you purchase a new home or a new \* apartment? How will you pay rental / mortgage expenses as a married couple?

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34. If you and your fiancé(e) have already purchased real property together, should title to such real property be changed so that it is owned by both spouses or should title should real property remain as is?

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35. As a married couple, how will you and your fiancé(e) manage and pay for routine living expenses such as utilities, groceries, travel, entertainment, etc.? \*

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36. How do you and your fiancé(e) currently manage routine medical, dental, and other healthcare expenses? Will this change once you are married? \*

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37. Will you or your spouse be able to support his/her/their lifestyle if one of you suddenly passes away? Do each of you have immediate access to emergency funds? \*

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38. How will you and your fiancé(e) pay annual federal, state, and local taxes once married? \*

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39. Do you or your fiancé(e) currently own a business or do you intend to form a business together as a married couple? \*

*Mark only one oval.*

Yes

No

40. If yes, then please explain further below.

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41. How should premarital debts, particularly student loans, acquired by you or your fiancé(e) be paid during the marriage? \*

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**F.  
MARITAL  
CHILDREN**

Prenups are not used to determine child custody or support issues, which are determined by a family court at the time of divorce. However, the family court might take into consideration mutual decisions made under a prenup regarding children during the court's decisionmaking at the time of divorce.

42. As a married couple, do you and your fiancé(e) plan on having or adopting children? \*

*Mark only one oval.*

Yes

No

43. If yes, then please elaborate on what plans you have agreed upon regarding child raising.

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44. If you or your fiancé(e) plan to become a stay-at-home parent, which arrangements have you and your fiancé(e) made, if any, to support the stay-at-home parent?

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45. Do you and/or your fiancé(e) plan to preserve genetic material for future children? \*

*Mark only one oval.*

Yes

No

46. If yes, then please elaborate on who will own that genetic material during the marriage and if you divorce?

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47. Do you and/or your fiancé(e) currently have or intend to purchase life insurance as a married couple? \*

*Mark only one oval.*

Yes

No

48. If yes, please elaborate on insurance type, coverage amount, and beneficiaries. \*

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49. If not, would you like us to refer you to a life insurance professional? \*

Mark only one oval.

Yes

No

**G. PETS**

50. Do you and your fiancé(e) currently have pets or intend to buy or adopt one or more as a married couple? \*

Mark only one oval.

Yes

No

51. If yes, who will be responsible for raising the pets and paying pet expenses during the marriage, and in the case of divorce, who will keep the pets?

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\_\_\_\_\_  
\_\_\_\_\_

**H. INHERITANCE RIGHTS**

Absent waiving one's inheritance rights via a prenup or marital waiver, a surviving spouse in New York has a "right of election" to a forced share of his/her/their spouse's estate. In New York, the forced share excludes exempt property such as certain household items which automatically passes to the surviving spouse and the Decedent's spouse's minor children.

52. Prenups are often signed in order to prevent a surviving spouse from partaking in your estate. Do you want your spouse to be able to partake in your estate? \*

*Mark only one oval.*

Yes

No

53. If yes, but you want to place conditions or limitations on what your spouse may inherit from your estate then please elaborate below.

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54. Requirements for spouses to set up estate plans are periodically placed in prenups in order to flesh out decisions made in prenups. Do you and your spouse currently have estate plans? \*

*Mark only one oval.*

Yes

No

55. If not, then would you like to discuss estate plans with our office?

*Mark only one oval.*

Yes

No

**I.  
ALIMONY**

Absent a prenup, alimony, or maintenance as such is called in New York, is routinely awarded by the court to provide financial support to the non-moneyed spouse either during divorce proceedings (temporary maintenance) and/or upon divorce (permanent maintenance). Prenups allow spouses the freedom to either opt out of court ordered (temporary or permanent) maintenance entirely or to place limitations on maintenance. Please share your wishes on maintenance below.

56. Do you or your fiancé(e) wish to waive maintenance upon divorce and if yes, under which conditions? \*

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57. Do you or your fiancé(e) wish to provide a lump sum payout in your prenup to the other in lieu of court ordered temporary or permanent maintenance? \*

*Mark only one oval.*

- Yes
- No

58. If yes, then please elaborate on how such a lump sum payout regarding maintenance should be structured.

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**J. YOUR ASSETS AND LIABILITIES**

A vital aspect of a valid prenuptial agreement is each fiancé(e)'s accurate and contemporaneous reporting of all assets and liabilities of every kind. Please carefully review all asset/liability types below and if they pertain to you, describe the type of asset, approximate value, name of institution, and other important information. **Please provide our office with proof that you own this asset or liability with a screenshot or scan of a contemporary record such as a deed, statement or other document.**

59. Do you own real estate? \*

*Mark only one oval.*

Yes

No

60. If yes, then please provide all information regarding each property including a) property type; b) property address; c) whether other owners are listed; d) estimated fair market value of the property; e) whether there is a mortgage on the property and if so, how much is remaining on the mortgage.

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61. Please upload proof of ownership of Property #1.

Files submitted:

62. Please upload proof of ownership of Property #2.

Files submitted:

63. Please upload proof of ownership of Property #3.

Files submitted:

64. Please upload proof of ownership of Property #4.

Files submitted:

65. Do you own any lots of land or unimproved property? \*

If yes, please describe the land parcels below. If not, please skip to the next section.

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66. Do you have any liabilities or debts? \*

*Mark only one oval.*

Yes

No

67. If yes, then for each liability or debt please explain the type of debt owed, amount remaining, and whether each debt is owed with others.

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68. Do you have student loans? \*

*Mark only one oval.*

Yes

No

69. If yes, then please elaborate:

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70. Do you have credit card debt? \*

*Mark only one oval.*

Yes

No

71. If yes, then please elaborate:

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72. Do you have federal or state tax debt? \*

*Mark only one oval.*

Yes

No

73. If yes, then please elaborate:

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74. Do you have child support in arrears? \*

*Mark only one oval.*

Yes

No

75. If yes, then please elaborate:

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76. Do you have personal or business loans? \*

*Mark only one oval.*

Yes

No

77. If yes, then please elaborate:

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78. Do you have any other liabilities? \*

*Mark only one oval.*

Yes

No

79. If yes, then please describe each liability.

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**K. OTHER  
IMPORTANT  
INFORMATION**

In this last but important section, please answer the questions below and upload all relevant documents. If it is easier for you to forward us copies of documents via email, please feel free to do so. We treat each prenup to be as unique as you are. Although we endeavor to make this questionnaire as exhaustive yet navigable as possible, there might be issues that our questionnaire has not addressed. Therefore, please use this section to include all information that you think is relevant for us to prepare your prenup.

80. Please provide any additional information related to your prenup:

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81. Please upload any additional documents related to your prenup - additional document #1.

Files submitted:

82. Please upload any additional documents related to your prenup - additional document #2.

Files submitted:

83. Please upload any additional documents related to your prenup - additional document #3.

Files submitted:

84. Please upload any additional documents related to your prenup - additional document #4.

Files submitted:

85. Please upload any additional documents related to your prenup - additional document #5.

Files submitted:

**We look forward to working with you on your prenup and consider it a tremendous privilege to do so.**

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