



PRENUPS

and the Elephant in the Room

A Handbook for the Prenup Process

APPENDIX E

Prenup Checklist



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APPENDIX E**Prenup Checklist**

The following checklist reflects a quick reference for items to consider for your prenup. It is for reference purposes and may be modified to suit your unique situation.

Client name: _____

List your assets, liabilities, and income (refer to Appendix C, Sample Financial Statement, on page 97, for a more comprehensive worksheet): _____

Agree upon what happens to your premarital property and postmarriage appreciation, gains, income, rentals, dividends, and proceeds of such property: _____

Agree upon what happens to your postmarital property: _____

Determine ownership of your marital residence and secondary homes in the event of death or divorce: _____

Provide how premarital and postmarital debts will be paid: _____

Discuss expectations of gifts and inheritances and how each will be treated: _____

Discuss expectations of trusts either spouse receives or benefits from, before, or after marriage: _____

PRENUP CHECKLIST

Confirm the beneficiary of all 401(k), 403(b), profit-sharing, pension, IRA, and all other retirement plans, and state if such benefits will be divided: _____

Clarify what will happen to each type of property, whether jointly or individually owned: _____

Figure out alimony, maintenance, or spousal support, or provide for a waiver or property settlement instead of support (your attorney will advise you on your own state's law): _____

Identify your estate planning needs (e.g., wills, trusts, elective share, powers of attorney, healthcare proxy, and/or living will): _____

Identify medical, disability, life, or long-term care insurance coverage: _____

Identify your respective attorneys: _____

Determine what state's laws will apply and how your agreement will be affected by a move to another state (your attorney will advise you on this and help you to understand the law and its distinctions): _____

