



THE LAW OFFICES OF  
**HOYT & BRYAN, LLC**  
FAMILY WEALTH & LEGACY COUNSELLORS

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### **The Truth about Prenuptial Agreements**

There are many misconceptions about prenuptial agreements and marital agreements. Some people think these contracts are only for the very wealthy, while others assume that engaged couples would only sign one if they planned to get divorced. To the contrary, a man or woman about to get married who signs a prenuptial agreement tells their future spouse that they are honest and open about finances and wish to plan for the future.

Despite their reputation as romance killers, prenups can be an effective way for many couples to achieve their financial and estate planning goals. In a prenup, you are open and honest with your partner about money and other matters. You don't keep any secrets; you disclose all your assets and liabilities to your partner in a net worth statement and resolution of financial matters. You also have an opportunity to grapple with lifestyle issues. When you're planning the rest of your life with another person, therefore you're supposed to share your hopes, dreams, demons and doubts. Unmet expectations are a major source of marital breakdown.

Most young people don't have assets at the beginning of the marriage, therefore the entire pot of assets acquired after marriage is potentially in dispute. Today's waitress may be tomorrow's movie star, and today's computer geek may be tomorrow's e-mogul, and such prospects should be protected. As a young person, you may be vulnerable because you are idealistic and not knowledgeable about domestic relations laws. Prenuptial agreements can give you an education. What you learn now could prevent a rude awakening later.

Prenups are critical if your parents are planning to make gifts or leave you an inheritance. They are essential if you want to protect family businesses or professional licenses or practices. They are advisable if you will be supporting your partner through professional school or leaving the workforce for child rearing. Prenuptial agreements are imperative if you have responsibilities to children from a previous marriage or to aging parents. And, they are invaluable for anyone getting married.

A prenup can help you achieve a variety of financial and estate planning goals and add an element of certainty to your plans. To be effective, the agreement's terms must be carefully drafted in compliance with applicable state law. To ensure that the agreement can withstand a challenge on grounds of undue influence, mistake or fraud, it should be prepared well in advance of the wedding day and each party should have separate legal representation.

The Law Offices of Hoyt & Bryan assists families in the protection of their loved ones by focusing their practice in the areas of Estate Planning, Probate and Trust Administration,

Elder Law including Medicaid and VA Planning and Special Needs Planning, Pet Planning, Business Succession Planning and Real Estate. The founders, Peggy Hoyt and Randy Bryan, are both dual board certified by the Florida Bar in Wills, Trusts and Estates as well as Elder Law. Hoyt & Bryan is the only law firm in Florida with the distinction of two attorneys with these certifications. We offer many complimentary educational workshops each week in our Learning Center at The Law Offices of Hoyt & Bryan and monthly workshops in the Auditorium of One Senior Place in Altamonte Springs. For more information please contact our office at 407-977-8080 or visit our website HoytBryan.com.