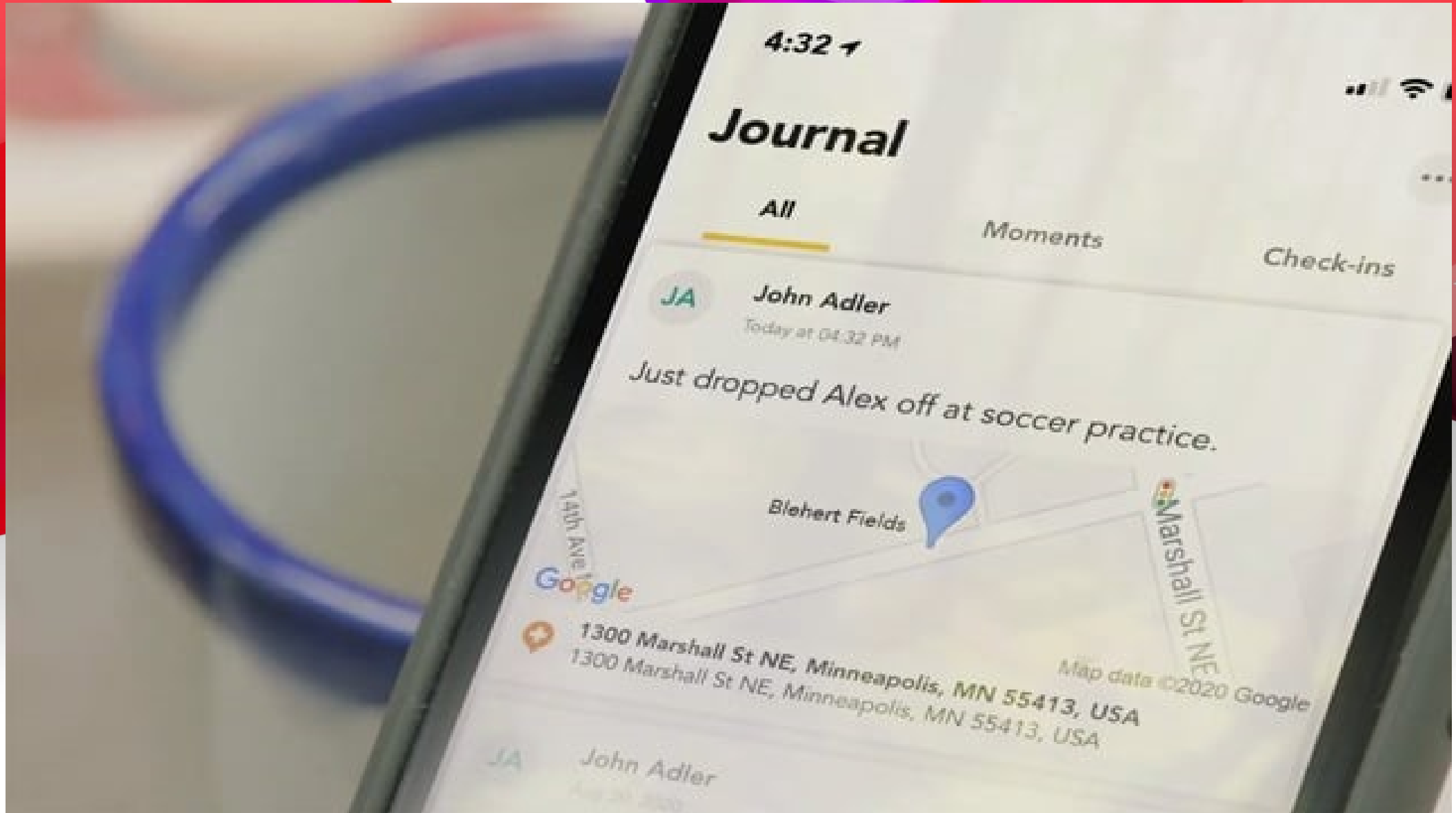


THANK YOU TO OUR SPONSOR- OUR FAMILY WIZARD!

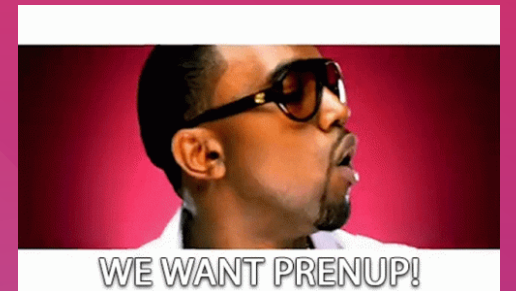


PRENUPTIALS & POSTNUPTIALS

"You Really Got Me"



"Gold Digger"



Kanye West feat Jamie Foxx - Gold Digger
(Clean Version)

415K views · 11 years ago



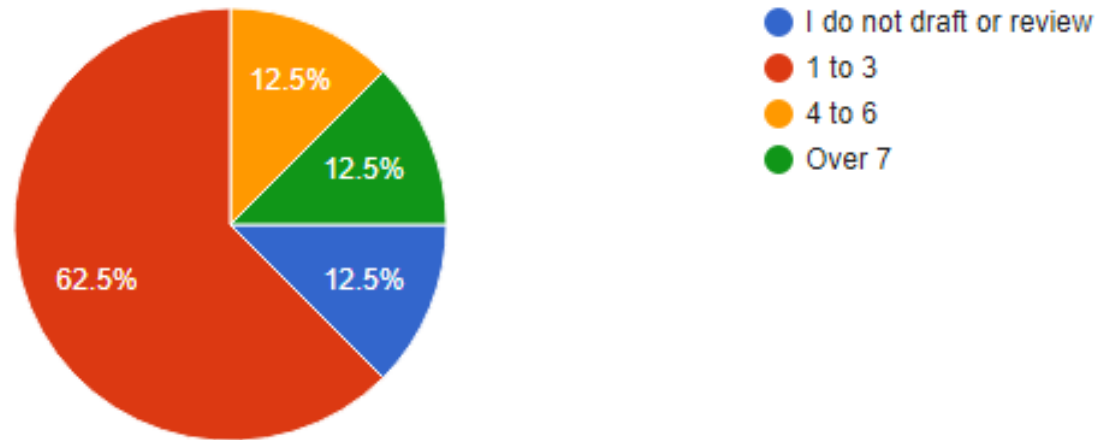
AGENDA



- Overview of the Law
- Practical Considerations
- Drafting Tips from the Bench
- Guest Speakers
 - Collaborative Law
 - Estate Planning
 - Mental Health
 - Financial Professional

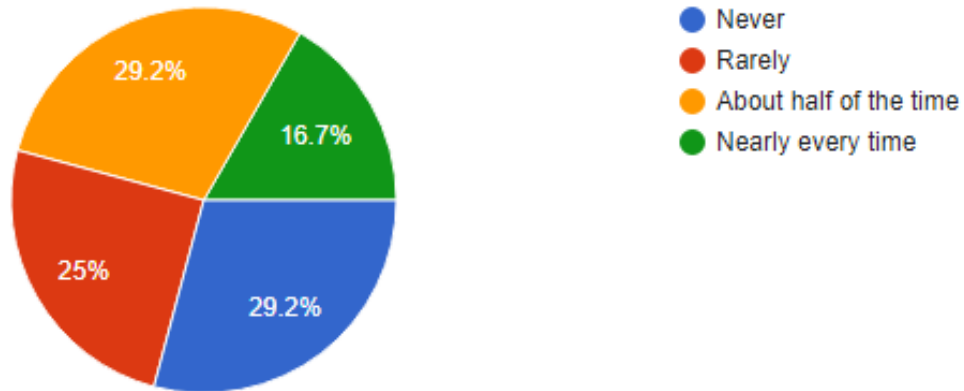
SURVEY RESULTS

How many prenuptial or postnuptial agreements do you typically draft or review per year?

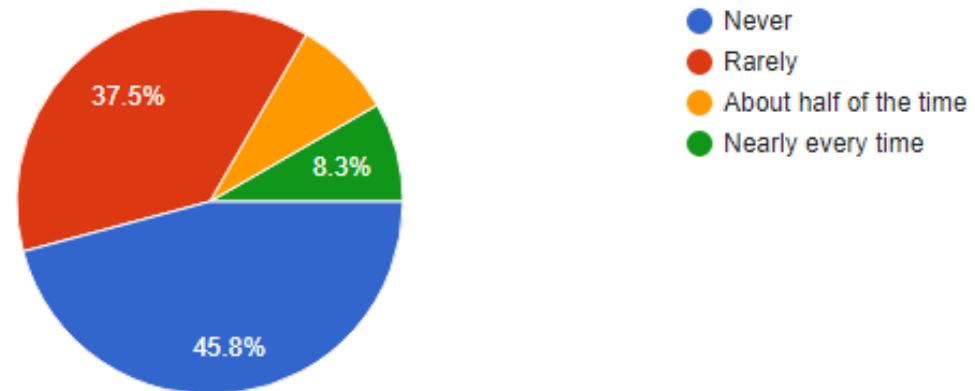


SURVEY RESULTS

How often do you include an estate planning professional when drafting/reviewing a prenuptial or postnuptial agreement?

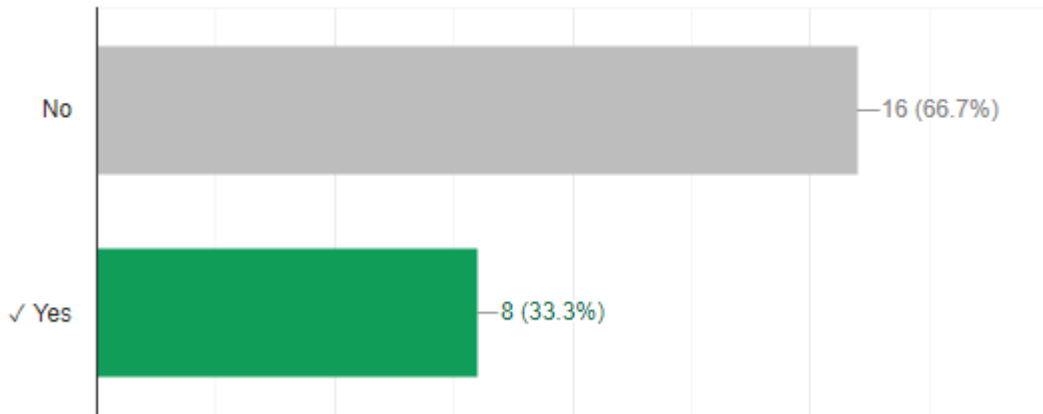


How often do you include a financial professional when drafting/reviewing a prenuptial or postnuptial agreement?

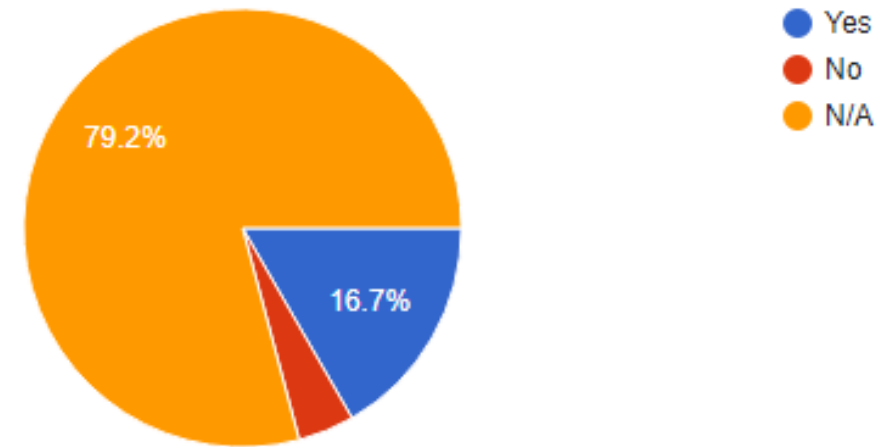


SURVEY RESULTS

Have you ever moved to set aside a prenuptial or postnuptial agreement?



If so, were you successful?



OVERVIEW

- Contract Law Governs
- Casto v. Casto, 508 So. 2d 330 (Fla. 1987) governs the challenging of prenuptial agreements executed prior to October 1, 2007 and postnuptial agreements. They may be challenged on two different levels.
- Uniform Premarital Agreement Act; Fla. Stat. §61.079 - Governs any premarital agreement executed on or after October 1, 2007





RIGHTS AND INTERESTS SUBJECT TO WAIVER

- Post dissolution alimony
- Modification of alimony
- Equitable Distribution
- Elective Share & homestead
- Post dissolution attorney's fees

RIGHTS AND INTERESTS NOT SUBJECT TO WAIVER

- Temporary support
- Temporary attorney's fees
- Child related issues - child support/time-sharing

ESTATE PROVISIONS

- Waiver of Spousal Rights in Estates and Trusts - Section 732.702, Florida Statute

- Homestead

Section 4(c), Article X, Constitution of the State of Florida

Sections 732.401 and 732.4015, Florida Statutes

- Elective Share -Sections 732.201 and 732.2035, Florida Statutes



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JUDGE STACEY'S TOP 3 TIPS FOR CREATING ENFORCEABLE PRENUPTIAL & POSTNUPTIAL AGREEMENTS

1. Define

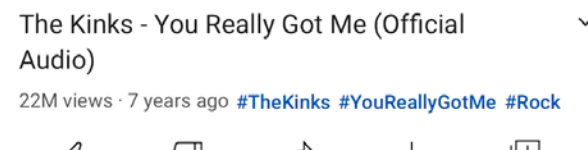
2.
Distinguish

3. Defend

WHICH OF THE FOLLOWING IS TRUE ABOUT JUDGE NETCHER?

- (A) Has seen Dave Mathews Band in concert 9 times
- (B) Cannot live without chocolate chip cookies
- (C) Was the graveyard shift DJ on UF's Rock 104 radio station during his undergraduate years

GET TO KNOW YOUR JUDICIARY!



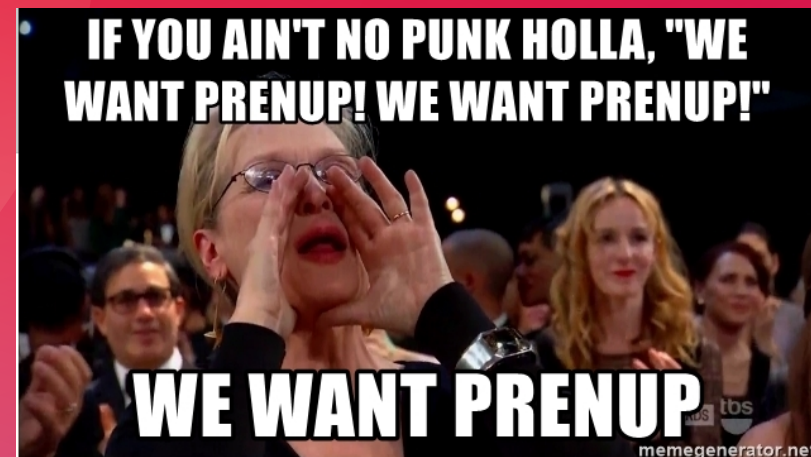
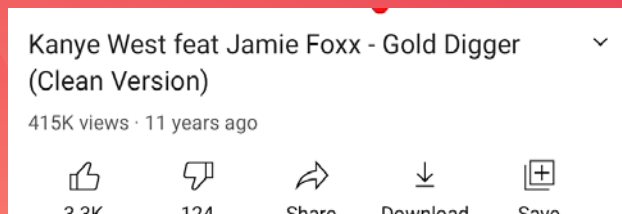
WHICH OF THE FOLLOWING IS TRUE ABOUT MAGISTRATE NARDI?

- (A) At age 19, got lost hiking in Northern Michigan for 3 days with only warm beer to drink.
- (B) Favorite food is Tofu.
- (C) Worked as a 911 dispatcher prior to law school.



WHICH OF THE FOLLOWING IS TRUE ABOUT JUDGE LEACH?

- (A) Got paid to play the Irish Drum in a band on St. Patrick's Day
- (B) Graduated from high school with a 2.6 GPA
- (C) Perfected singing Happy Birthday backwards during her ten-year waitressing career



COLLABORATIVE LAW OPTION

- FULL COLLABORATIVE TEAM
- PARTICIPATION AGREEMENT
- GOAL SETTING (INDIVIDUAL & JOINT) AND OPTION BUILDING
- FINANCIAL TRANSPARENCY
- ALLIED PROFESSIONALS

- KAREN MIDDLEKAUFF SHARES HER EXPERIENCE



MENTAL HEALTH CONSIDERATIONS

- PREMARITAL COUNSELING
- ROLE AS MENTAL HEALTH
NEUTRAL IN COLLABORATIVE
PROCESS
- TACKLE FEAR AND TRUST
ISSUES OF THE COUPLE
- SAFEGUARD EMOTIONAL
CAPITAL
- PREPARING FOR TERMINATION
OF RELATIONSHIP



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Licensed Psychologist
Collaborative Practitioner
Florida Supreme Court Certified Mediator

FINANCIAL CONSIDERATIONS

- ROLE AS FINANCIAL NEUTRAL
IN COLLABORATIVE PROCESS
- CREATIVE SOLUTIONS
- OPTION BUILDING
- FINANCIAL DISCLOSURE
- CRAFT SUCCESSFUL
PRENUPTIAL



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THANK YOU!

- Chair - Stephanie Alvarez
- Board Member - Amy Hamlin
- Hon. Susan Stacey
- Hon. Mary Nardi
- Deborah Poindexter
- Rania Arwani
- Mitzi Motsinger
- Kristopher Kest
- Wade Luther