



OWENS PERKINS

Areas of Practice

Family Law
Bankruptcy
Business Law
Contract Law
Criminal & DUI
Civil Litigation
Estate Planning
Probate
Real Estate Law
Short Sales

Family Law

OWENS & PERKINS offers a full range of legal services for all aspects of Family Law such as divorce, legal separation, paternity and post decree matters.

Attorney Spotlight

Rebecca E. Browning

Upon graduating summa cum laude from ASU, Rebecca received her J.D. from William Mitchell College of Law. Rebecca's areas of practice include Family Law, Appellate Practice, Criminal Law and Civil Practice.



CONTRACTS AND MARRIAGE – HOW THEY UNITE

Most likely people have heard about a “pre-nup,” but what does that really mean? Outside of marriage, in and of itself, being a contract based union between two people, it may also include a written agreement much like would be expected in a business scenario. Arizona is progressive compared to many other states in our country, as we have a long history recognizing the importance of both parties in a marriage. Consequently, it has become well-established that both parties in a marriage have the authority and the power to enter a contract concerning various aspects of marriage. Most often, these contracts sort out division of property and various financial assets, such as real property or even potential future earnings. However a couple may refer to their agreement, be it a “pre-nup,” a “post-nup,” a *ketubah*, a *mahr*, or by an engagement ring, it must comply with Arizona law to be valid and enforceable.

What can you contract about?

The parties of a marriage are free to form a contract in Arizona about property. Property includes more than just a parcel of land, it includes your income, investments, vehicles, bank accounts, stocks, spousal maintenance (alimony), retirement funds, and life insurance, to name a few.

Pre-nuptial Agreements

A pre-nuptial agreement is the most familiar agreement in regard to marriage. Often, it brings about a snicker or a presumed expectation that one person in the marriage has financial wealth they are trying to protect by the “pre-nup.” No matter what this brings to mind, a “pre-nup” is a contract, an agreement, which is formed before a couple is married, and becomes valid and enforceable at the time of the marriage.

Post-nuptial Agreements

A post-nuptial agreement refers to a contract formed and entered after the marriage occurs. Parties to a post-nuptial agreement may contract about the same types of property as through a pre-nuptial agreement.

No matter what type of marital agreement two people enter with a purpose of sharing their lifetimes together, it must be within Arizona law to be valid and enforceable. Obtaining legal advice is crucial during the formation of such a significant contract.

If you would like to schedule a consultation to find out more about marital contracts, please call us at 480.994.8824.

