

Live legally ever after

Grown-up relationships are a little more complicated than just falling in love. There are prenuptial agreements to consider and marriage licenses to obtain. Breaking up isn't simple either; now it entails divorce.

It's my money, honey

Most young couples don't need prenuptial agreements because few have assets worth protecting, says attorney Melissa Faurot. More established couples, however, might need a prenuptial if one or both of the parties owns a large estate or business.

The problem with prenuptials is that courts don't consistently uphold them, says Douglas F. Pugh, an attorney at Eng & Woods. They are more likely to be upheld if created with an attorney, but it's possible to make a prenuptial without a lawyer by using one of the free forms available online.

Couples choosing to make prenuptials do so to protect substantial assets, divide property or ensure custody rights. Both wife and husband need to complete a financial disclosure form and sign the agreement in the presence of a witness or have it notarized.

A license to marry

There's one more step before saying "I do:" obtaining a marriage license. In Columbia, marriage licenses are issued at the Boone County Government Center. The couple must bring their driver's licenses, Social Security cards, \$51 in cash and the name and phone number of the person performing the ceremony.

The license can be picked up any weekday between 8 a.m. and 5 p.m. after the three-day waiting period. The license expires 30 days after picking it up, so tie the knot within the time allotted.

After the marriage, the person conducting the ceremony will return the license to the Boone County Government Center. A certified copy of the license can be purchased for \$9 cash. Recorder of Deeds Bettie Johnson recommends purchasing a certified copy because many governmental services, such as issuing a passport, require it.

Until dissolution parts us

Sadly, about half of all marriages end in divorce, or dissolution, as it's called in Missouri. Dissolutions require a petition, income statement, expense statement and a statement of property. The documents double when the dissolution involves children. Therefore, it's advisable to hire an attorney, especially when children are involved.

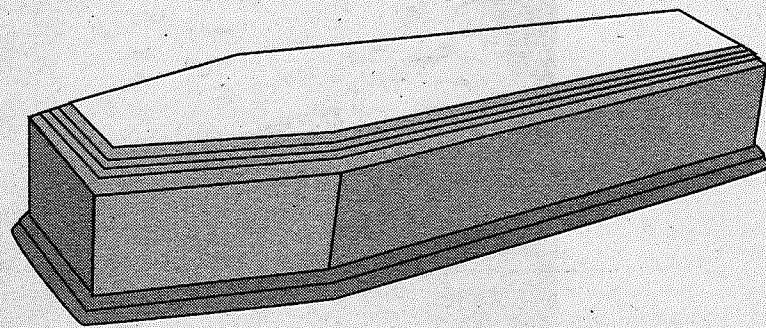
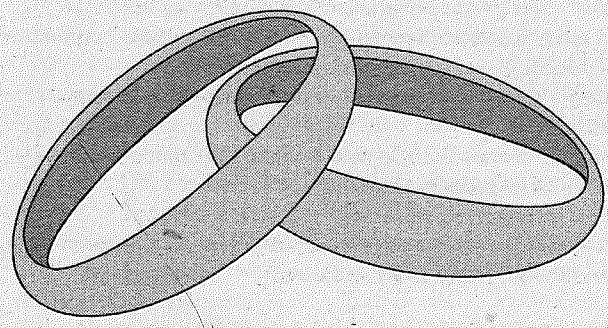
The petition must be signed, notarized and submitted to the Clerk Circuit Court. The filing fee is \$152 for those without children and \$202 for those with children.

If the petition is contested, the case proceeds to court, and the process can take from six months to a year and a half. If uncontested, the petition is filed with the Clerk Circuit Court, and a judge finalizes it. Uncontested dissolutions usually take about 60 days following the filing of the petition. Every attorney charges a different rate, says Pugh, but he estimates that an uncontested dissolution costs around \$500. He says it's not unusual for contested cases to cost more than \$20,000.

The best advice is to settle out of court, Faurot says. "Couples will get a much more satisfactory outcome if they can make a settlement rather than letting the court decide."

Hot tip: By keeping assets under your name, you can avoid making a prenuptial agreement and can make the divorce process run more smoothly.

— N.K.



Do what you will

If you're living in small apartments with makeshift plastic milk crate coffee tables and have hardly a penny to spend on anything, it's probably not the time to prepare a will. However, wills might become necessities as soon as jobs, accumulated possessions, marriage and families arrive.

"With a will, you control how the money is used for the benefit of your family," says attorney Skip Walther, of Walther, Antel, Stamper and Fischer P.C.

Where there's a will ...

Preparing a will is not difficult. It can be as simple as going to Office Depot or Staples and purchasing a will kit for \$12 to 30. Will kits include forms to set up trust funds for children and determine who will be the guardian for minor children, and they assign the beneficiary of assets.

When creating a will from a will kit or printing forms off the Internet, witnesses must be present for the signing of the will. Witnesses also will need to sign the will to prove they were there, and everyone should initial each page. Wills do not need to be notarized. However, if the will has been notarized, its witnesses do not need to be present at the signing.

Family fortune

With children in the picture, parents will want to make sure all of their estate is passed down to their loved ones instead of the Anna Nicole Smiths of this world. With a will, parents can dictate who becomes guardian of their children and when their children can take control of their inheritances. However, if no will has been prepared, every state has a hierarchy of how your estate will be dispersed. The estate will initially be divided between spouse and children, then relatives and, finally, the state.

Wills to back-up wills

Attorney Joseph Yungwirth says a will is not totally effective and points out that a will doesn't go into effect until death.

"People don't write a will and die," Yungwirth says. "They grow older and become mentally disabled."

Yungwirth says many people unfortunately lose their assets when becoming mentally disabled, such as when someone gets Alzheimer's or is in a vegetative state.

To protect assets, Yungwirth recommends what he calls super wills, or trusts and living wills. These specifically give someone control of your assets if you are still alive but become unable to manage them.

Living wills are important in determining the desires of the disabled. A living will can include what will happen to an estate if a person is placed in a vegetative state or even what can be done with the body. Furthermore, trusts can be set up for specific purposes such as a college fund for children where the money can only be used for financing a college student until graduation. Then they may claim whatever is left over.

Wills, living wills and trusts help put a lifetime of hard-earned assets in the hands of those the deceased decides. ▽

Hot tip: Ordinary wills might not cover assets when you get older. Consider living wills and trusts to help dictate your estate.

— M.D.