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By SANETTE TANAKA CONNECT

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When love collides with real estate, the result is increasingly a prenuptial.



Enlarge Image

Separate property typically includes assets that were inherited or gifted, owned before marriage or earned after the couple separates. Getty Images

Negotiate First, Marry Later

Percentage of matrimonial lawyers reporting a change in prenuptial agreements over the past three years:

- 63% Have seen an increase
- 1% Have seen a decrease
- 36% Report no change

3% Percentage of people who are engaged or married who have a prenuptial agreement.

More couples are opting for prenuptials, according to a recent survey of 1,600 members of the American Academy of Matrimonial Lawyers, a professional group based in Chicago. In the survey, conducted from mid-September to mid-October, 63% of the respondents reported an increase in prenups over the past three years.

Alton Abramowitz, president of the group, says his Manhattan-based firm would facilitate one or two prenups a year 30 years ago. Now, his practice is conducting two to tailor how real estate will be divided. "I've done prenup agreements that say once this is over, the wife has to move from the marital home. They give her 90 days after filing and then say she has to move," he says.

Prenups can also dictate property that a couple has yet to own. "You can say, 'Anything that I buy and put in my name is my property.' That's the beauty of a prenuptial," Mr. Rafool says.

Mr. Rafool generally recommends prenups because they set expectations from the onset, though he adds that they aren't for everyone. "Sadly, I've been involved in prenuptial agreements where the parties

decided not to get married as a result of the negotiation," he says.

Lawyers say prenups for higher-net-worth individuals typically cost between \$15,000 and \$50,000, though some can be well over \$60,000 depending on their complexity.

Still, prenups remain rare. Only 3% of people who are engaged or married have a prenuptial agreement, according to a 2010 survey by Harris Interactive. Dora Puig, a high-end residential real-estate broker in Miami, says one-quarter of her clients will speak openly about having a prenup—but clam up as soon as their spouse walks into the room. "It's never brought up in front of the couple. It's always between me and the person purchasing" the property, she says.

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