Please send completed questionnaire to:
Aaron, Riechert, Carpol & Riffle, APC
333 Twin Dolphin Drive, Suite 350
Redwood City, CA 94065
Main Number: 650.368.4662
General Fax: 650.367.8531

PREMARITAL AGREEMENT QUESTIONNAIRE

Please complete this form and return to the address listed above. For optimum accuracy, please type or print clearly. If necessary, please use additional sheets of paper to answer the questions.

GENERAL CLIENT INFORMATION

CLIENT NAME (LAST)	FIRST	MI
SOCIAL SECURITY NUMBER	BIRTH DATE	PREFERRED PRONOUNS
PROSPECTIVE SPOUSE'S NAME (LAST)	FIRST	MI
SOCIAL SECURITY NUMBER	BIRTH DATE	PREFERRED PRONOUNS
CLIENT'S ADDRESS		
DO YOU LIVE WITH YOUR PROSPECTIVE SPOUSE? ☐ YES ☐ NO		
HOME PHONE	HOME FAX	CELL PHONE
WORK PHONE	WORK FAX	EMAIL
ANTICIPATED DATE OF MARRIAGE		

I. PERSONAL AND FAMILY DATA

A **DOES EITHER PARTY HAVE ASSUMED OR FORMER NAMES, SUCH AS A MAIDEN NAME, OR NICKNAMES, THAT SHOULD BE INCLUDED?** ☐ YES ☐ NO
IF SO, WHAT ARE THEY?

B **DOES EITHER PARTY HAVE PREVIOUS MARRIAGE(S)?** ☐ YES ☐ NO **IF YES, PLEASE STATE THE NAME(S) OF THE FORMER SPOUSE(S), AND THE YEAR THAT THE DEATH OCCURRED, OR DISSOLUTION OF MARRIAGE WAS FINAL.**

C **ARE BOTH PARTIES U.S. CITIZENS?** ☐ YES ☐ NO
IF NOT A U.S. CITIZEN, WHAT IS THE COUNTRY OF CITIZENSHIP? _____**FOR WHOM?** _____

D **ARE THERE ANY CHILDREN FROM A PRIOR MARRIAGE OR PRIOR RELATIONSHIP FOR EITHER PARTY?** ☐ YES ☐ NO

NAME	BIRTH DATE	MOTHER'S NAME	FATHER'S NAME

NAME	BIRTH DATE	MOTHER'S NAME	FATHER'S NAME

E **IN ORDER TO ENSURE THE EFFECTIVENESS OF THE PREMARITAL AGREEEMENT, YOUR PROSPECTIVE SPOUSE WILL NEED TO BE REPRESENTED BY SEPARATE COUNSEL. IF YOUR PROSPECTIVE SPOUSE HAS RETAINED COUNSEL, PLEASE PROVIDE SUCH COUNSEL'S NAME AND CONTACT INFORMATION.**

NAME OF COUNSEL	ADDRESS
COUNSEL'S PHONE NUMBER	COUNSEL'S EMAIL ADDRESS

II. CLIENT'S ASSETS & OTHER FINANCIAL INFORMATION

IF YOU NEED MORE ROOM, PLEASE INCLUDE ADDITIONAL DETAILS ON A SEPARATE SHEET OF PAPER.

A **REAL ESTATE. IF POSSIBLE, PLEASE PROVIDE COPIES OF THE DEEDS (NOT DEEDS OF TRUST).**

ADDRESS	TITLE IS HELD AS FOLLOWS:	FAIR MARKET VALUE $	AMOUNT OWED $
		$	$

B **IRAS (INDIVIDUAL RETIREMENT ACCOUNTS)**

NAME OF INSTITUTION AND OWNER	ACCOUNT NUMBER	VALUE $	DESIGNATED BENEFICIARY
		$	
		$	

C **OTHER RETIREMENT PLANS (INCLUDING PENSIONS AND DEFERRED COMPENSATION)**

NAME OF PLAN	PARTICIPANT VALUE $	DESIGNATED BENEFICIARY
	$	

D **LIFE INSURANCE AND ANNUITIES**

NAME OF COMPANY	ACCOUNT NUMBER	AMOUNT $	DESIGNATED BENEFICIARY
		$	
		$	

E **STOCKS AND BONDS. LIST BELOW OR PROVIDE COPIES OF RECENT STATEMENTS OR CERTIFICATES.**

NAME OF SECURITY OR BROKERAGE	TITLE OF ACCOUNT IS AS FOLLOWS:	NUMBER OF SHARES (IF APPLICABLE)	CURRENT VALUE $
			$

F	CASH			
NAME OF FINANCIAL INSTITUTION		TITLE OF ACCOUNT IS AS FOLLOWS:	ACCOUNT NUMBER	CURRENT BALANCE $
				$

G	INCOME	
EDUCATION LEVEL OF CLIENT		EDUCATION LEVEL OF RESPECTIVE SPOUSE
OCCUPATION OF CLIENT		OCCUPATION OF PROSPECTIVE SPOUSE
EMPLOYER OF CLIENT		EMPLOYER OF SPOUSE
ANNUAL SALARY OF CLIENT $		ANNUAL SALARY OF PROSPECTIVE SPOUSE $
DO YOU HAVE INCOME FROM OTHER SOURCES? ☐ YES ☐ NO IF YES, PLEASE LIST.		
SOURCE OF INCOME		ANNUAL AMOUNT $

H	**OTHER ASSETS** (E.G. PARTNERSHIPS, OTHER BUSINESS INTEREST, COPYRIGHTS, PATENTS, OR HIGHLY VALUED AUTOMOBILES, ANTIQUES, ART, JEWELRY, ETC.)	
ASSET		FAIR MARKET VALUE $
		$
		$

I	**DOES EITHER PARTY EXPECT TO INHERIT PROPERTY?** ☐ YES ☐ NO IF YES, WHO? _____ IF YES, PLEASE LIST THE ESTIMATED VALUE: $_____

J	**ASIDE FROM ANY MORTGAGES OR DEEDS OF TRUST FROM REAL ESTATE, DO YOU HAVE ANY DEBT?** ☐ YES ☐ NO IF YES, PLEASE LIST.	
		$
		$

K	**DOES YOUR PROSPECTIVE SPOUSE HAVE ANY DEBTS OR LIABILITIES?** ☐ YES ☐ NO IF YES, PLEASE LIST.	
		$

L	**DO YOU HOLD ANY ASSETS IN JOINT TENANCY WITH YOUR PROSPECTIVE SPOUSE?** ☐ YES ☐ NO IF YES, PLEASE LIST.

M	**DO YOU HOLD ANY ASSETS IN JOINT TENANCY WITH SOMEONE OTHER THAN YOUR SPOUSE OR JOINTLY WITH ANOTHER PARTY?** ☐ YES ☐ NO IF YES, PLEASE LIST.

III. PROPERTY

THE DEFINITION OF SEPARATE PROPERTY CAN AFFECT WHAT PROPERTY EACH PARTY CONTROLS DURING THE MARRIAGE, AND THEIR RIGHTS IN THE EVENT OF A DIVORCE OR WHEN ONE SPOUSE DIES.

UNDER CALIFORNIA LAW, THE DEFINITION OF SEPARATE PROPERTY AUTOMATICALLY INCLUDES PROPERTY ACQUIRED BY A PARTY PRIOR TO THE MARRIAGE AND PROPERTY ACQUIRED (AT ANY TIME) BY GIFT OR INHERITANCE. IN ADDITION, IN MOST CIRCUMSTANCES, SEPARATE PROPERTY ALSO INCLUDES ANY RENTS AND PROFITS FROM THE SEPARATE PROPERTY DEFINED ABOVE.

ALTERNATIVELY, COMMUNITY PROPERTY REFERS TO ALL OTHER PROPERTY ACQUIRED DURING MARRIAGE BY EITHER SPOUSE AS A RESULT OF HIS OR HER EFFORT (E.G. EMPLOYMENT COMPENSATION).

A PREMARITAL AGREEMENT CAN CONFIRM AND ALSO CHANGE THE CHARACTERIZATION OF PROPERTY DEPENDING ON THE PARTIES' AGREEMENT.

A **PLEASE CHECK WHICH PROPERTY YOU WOULD LIKE TO REMAIN SEPARATE PROPERTY:**

☐ PROPERTY ACQUIRED BY GIFT OR INHERITANCE

☐ INCOME DERIVED FROM SEPARATE PROPERTY

☐ THE PROCEEDS OF THE SALE OF SEPARATE PROPERTY

☐ PROPERTY ACQUIRED BEFORE MARRIAGE

☐ RETIREMENT OR PENSION BENEFITS OWNED BEFORE MARRIAGE

☐ PROPERTY ACQUIRED IN EXCHANGE FOR SEPARATE PROPERTY OR ACQUIRED WITH THE SALE OF SEPARATE PROPERTY

☐ COMPENSATION FOR PERSONAL SERVICES DURING MARRIAGE

☐ RETIREMENT OR PENSION BENEFITS ACQUIRED DURING MARRIAGE

☐ INCREASES IN THE VALUE OF YOUR SEPARATE PROPERTY ASSETS CAUSED BY YOUR EFFORTS DURING MARRIAGE

B **YOU MAY ACQUIRE JOINT OR MARITAL PROPERTY, SUCH AS A HOME ACQUIRED IN BOTH YOUR NAMES AND GIFTS. CHECK IF YOU ANTICIPATE THE FOLLOWING:**

☐ YOU MAY ACQUIRE SOME COMMUNITY PROPERTY WITH YOUR PROSPECTIVE SPOUSE.

☐ YOU DO NOT INTEND TO CREATE ANY COMMUNITY PROPERTY ALTHOUGH DOING SO IS POSSIBLE.

☐ NO PROPERTY ACQUIRED DURING MARRIAGE IS TO BE TREATED AS COMMUNITY PROPERTY (UNLESS THE PARTIES SIGN A SEPARATE WRITING IDENTIFYING SUCH AS COMMUNITY PROPERTY).

☐ ALL PROPERTY YOU ACQUIRE DURING MARRIAGE, UNLESS FALLING WITHIN THE DEFINITION OF SEPARATE PROPERTY, SHOULD BE TREATED AS COMMUNITY PROPERTY.

C **RECHARACTERIZATION OF PROPERTY**

DO YOU WANT TO SPECIFY THAT IF YOU COMMINGLE YOUR SEPARATE PROPERTY TO ACQUIRE NEW PROPERTY, THE INTERESTS OF THE PARTIES ARE TO REMAIN SEPARATE PROPERTY (IN PROPORTION TO THE AMOUNT CONTRIBUTED BY EACH)?

☐ YES ☐ NO

DO YOU WANT TO SPECIFY THAT YOUR SEPARATE PROPERTY CAN ONLY BE RECLASSIFIED AS COMMUNITY PROPERTY BY A WRITING EXECUTED BY THE OWNER OF THE SEPARATE PROPERTY?

☐ YES ☐ NO

IF YOU CONTRIBUTE SEPARATE PROPERTY TO ACQUIRE AN ASSET TO BE HELD IN THE NAMES OF YOU AND YOUR PROSPECTIVE SPOUSE, DO YOU WISH TO RECEIVE YOUR SEPARATE PROPERTY BACK IN THE EVENT OF DISSOLUTION OF MARRIAGE?

☐ YES ☐ NO

IF YES, DO YOU WANT TO RECEIVE INTEREST OR APPRECIATION ON THE SEPARATE PROPERTY YOU RECEIVE BACK?

☐ YES ☐ NO

D **LIVING EXPENSES**

REGARDING LIVING EXPENSES (E.G. FOOD, CLOTHING, MEDICAL INSURANCE, TRAVEL, AND ENTERTAINMENT), THE EXPENSES ARE TO BE:

☐ SHARED BY THE PARTIES AS THEY MAY LATER AGREE

☐ SHARED EQUALLY

☐ PAID SOLELY BY ONE PARTY (INDICATE WHICH PARTY: _____)

☐ SHARED UNEQUALLY WITH THE AMOUNTS OR PROPORTIONS TO BE SPECIFIED IN THE AGREEMENT (E.G. BY FRACTION OR PERCENTAGE, FIXED AMOUNT, PROPORTION TO INCOME, ETC).

☐ THE AGREEMENT WILL BE SILENT

WILL THE PARTIES ESTABLISH A JOINT CHECKING ACCOUNT FOR HOUSEHOLD AND LIVING EXPENSES? ☐ YES ☐ NO

☐ JOINT ACCOUNT WITH DEPOSITS BECOMING COMMUNITY PROPERTY

☐ THE PARTIES WILL LATER AGREE ABOUT FUNDING AN ACCOUNT

☐ AGREEMENT WILL STATE THE AMOUNTS TO BY FUNDED AND BY WHOM WITH DEPOSITS BECOMING COMMUNITY PROPERTY

IF DEPOSITS INTO THE JOINT CHECKING ACCOUNT ARE INSUFFICIENT TO COVER THE LIVING EXPENSES, HOW WILL THIS BE RESOLVED?

IV. AGREEMENT PROVISIONS

A MARITAL RESIDENCE

WHERE WILL THE MARITAL HOME BE LOCATED?

ADDRESS WHO OWNS THIS PROPERTY?

DO YOU EVER INTEND TO TRANSFER ANY OWNERSHIP INTEREST IN THIS MARITAL RESIDENCE TO YOUR PROSPECTIVE SPOUSE? ☐ YES ☐ NO

DO YOU ANTICIPATE ANY IMPROVEMENTS TO THIS PROPERTY IN THE FUTURE? ☐ YES ☐ NO

IF YES, HOW DO YOU INTEND TO PAY THE DEBT ONCE YOU ARE MARRIED?

IS THERE AN ENCUMBRANCE ON THIS PROPERTY? ☐ YES ☐ NO

IF YES, HOW DO YOU INTEND TO PAY THE DEBT ONCE YOU ARE MARRIED? PROPERTY TAX AND HOMEOWNER'S INSURANCE?

B SPOUSAL SUPPORT

DO YOU WANT YOUR PROSPECTIVE SPOUSE TO AGREE TO A WAIVER OF SPOUSAL SUPPORT? ☐ YES ☐ NO

DO YOU WANT YOUR PROSPECTIVE SPOUSE TO AGREE TO A LIMITATION OF SPOUSAL SUPPORT ☐ YES ☐ NO

IF YES, WHAT LIMITATION?

DO YOU WANT YOUR PROSPECTIVE SPOUSE TO AGREE TO A LUMP SUM PAYMENT OF SPOUSAL SUPPORT? ☐ YES ☐ NO

IF YES, WHAT LUMP SUM?

C GIFTS

GIFTS TO THE OTHER SPOUSE ARE:

☐ TO BE THAT SPOUSE'S SEPARATE PROPERTY

☐ TO REMAIN COMMUNITY PROPERTY?

D INCOME TAX RETURNS

WITH REGARD TO FILING INCOME TAX RETURNS,

☐ THE PARTIES WILL FILE JOINT RETURNS AND THE COST OF PREPARATION AND ANY TAX LIABILITY WILL BE PAID EQUALLY BY THE PARTIES

☐ THE PARTIES WILL FILE JOINT RETURNS AND THE COST OF PREPARATION AND ANY TAX LIABILITY WILL BE APPORTIONED BASED ON THE SPOUSE'S INCOME

☐ THE PARTIES WILL FILE JOINT RETURNS AND THE COST OF PREPARATION AND ANY TAX LIABILITY WILL BE PAID BY _____

☐ THE PARTIES WILL FILE SEPARATE TAX RETURNS AND EACH WILL BE RESPONSIBLE FOR THE COST OF PREPARATION AND ANY TAX LIABILITY

☐ THE AGREEMENT WILL BE SILENT ON THE SUBJECT

E DEBTS

WITH REGARD TO EXISTING DEBTS

☐ EACH PARTY IS EXPRESSLY RESPONSIBLE TO PAY HIS OR HER OWN EXISTING DEBTS AT THE TIME OF THE MARRIAGE

☐ ONE PARTY _____ WILL PAY ALL THE DEBTS OF THE OTHER SPOUSE _____

☐ THE AGREEMENT WILL BE SILENT ON THE SUBJECT

V. MISCELLANEOUS

A **PRIOR AGREEMENTS**

HAVE YOU AGREED TO LEAVE YOUR PROSPECTIVE SPOUSE ANY SPECIFIC PROPERTY IN YOUR ESTATE PLAN (I.E. WILL OR TRUST)? ☐ YES ☐ NO

HAVE YOU AGREED TO NAME YOUR PROSPECTIVE SPOUSE AS BENEFICIARY OF ANY LIFE INSURANCE PROCEEDS? ☐ YES ☐ NO

HAVE YOU AGREED TO NAME YOUR PROSPECTIVE SPOUSE ANY MONEY? ☐ YES ☐ NO

HAVE YOU AGREED TO NAME YOUR PROSPECTIVE SPOUSE AS BENEFICIARY OF ANY EMPLOYMENT BENEFITS? ☐ YES ☐ NO

HAVE YOU AGREED TO OWN ANY ASSETS JOINTLY WITH YOUR SPOUSE WITH RIGHT OF SURVIVORSHIP? ☐ YES ☐ NO

HAVE YOU AGREED TO TRANSFER ANY OF YOUR PROPERTY TO YOUR PROSPECTIVE SPOUSE? ☐ YES ☐ NO

B **RIGHTS UPON DEATH OF PARTY**

IN CALIFORNIA, THERE ARE CERTAIN RIGHTS AND BENEFITS A SPOUSE IS ENTITLED TO ONCE THE OTHER SPOUSE DIES. THESE RIGHTS INCLUDE, BUT ARE NOT LIMITED TO, THE RIGHT TO A FAMILY ALLOWANCE, THE RIGHT TO LIVE IN THE MARITAL RESIDENCE, THE RIGHT TO ACT AS AN EXECUTOR OF AN ESTATE.

DO YOU WANT YOUR PROSPECTIVE SPOUSE TO AGREE TO A COMPLETE WAIVER OF RIGHTS UPON YOUR DEATH UNLESS THERE IS A WRITING EXECUTED AFTER THE DATE OF THE MARRIAGE? ☐ YES ☐ NO

C **DO YOU HAVE ANY OTHER QUESTIONS OR ISSUES NOT COVERED HERE THAT YOU WOULD LIKE TO DISCUSS AT OUR MEETING?** ☐ YES ☐ NO

IF YES, PLEASE LIST BELOW.