LEGAL KITTY™ CHEAT SHEET

Prenups for High Earners

What makes a premarital agreement hold up when it's tested.

KEY PRINCIPLES

1 **Writing, signatures, and in New York, a notary.**
California: written and signed by both (Fam. Code §1611). New York: written, subscribed and acknowledged like a deed (DRL §236(B)(3)).

2 **California runs on time and counsel.**
Seven calendar days between first seeing the final agreement and signing; independent counsel, or a separate written waiver after being advised (§1615(c)).

3 **Spousal support waivers need a lawyer.**
Unenforceable without independent counsel at signing, or if unconscionable when enforced (§1612(c)). Child support can't be cut by prenup (§1612(b)).

4 **In New York, fame itself isn't split.**
Courts won't divide "celebrity goodwill" or enhanced earning capacity as marital property, but weigh a spouse's contributions to it (DRL §236(B)(5)(d)(7)).

KEY EXAMPLES Real decisions, from primary sources

In re Marriage of Bonds
Cal. 2000

Barry Bonds's prenup, signed the day before a Las Vegas wedding, was upheld though Sun had no lawyer.

FOR YOU **Since 2020, the seven-day rule makes that riskier.**

Pendleton v. Fireman
Cal. 2000

A spousal support waiver signed by two parties with counsel wasn't "per se unenforceable."

FOR YOU **Counsel is what makes a waiver stick.**

Matisoff v. Dobi
N.Y. 1997

A signed but unacknowledged marital agreement was unenforceable.

FOR YOU **In New York, get it acknowledged.**

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KEY CLAUSES

Red flag, green flag

Push back on the red. Ask for the green.

	RED FLAG · PUSH BACK	GREEN FLAG · ASK FOR
TIMING	Final draft handed over wedding week	Final draft 7+ days before signing
COUNSEL	One lawyer “for both of us”	Independent counsel on each side
DISCLOSURE	“Trust me” on assets and debts	Full asset and debt schedules attached
SUPPORT	Spousal support waived, no lawyer	Waiver only with independent counsel
NEW YORK	Signed, never acknowledged	Acknowledged like a deed
CHILDREN	Child support capped	Child support left to the court

Built from Cal. Fam. Code §§1611–1615, N.Y. DRL §236 and the cases. Sources: see the source map. Teaching examples, not forms.

GO DEEPER

CHANDELIER, the free guide to your IP before “I do.”
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This sheet: DM **PRENUP**

Don’t sign it till you read it.

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