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Sample Separation Agreement

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Generally, a separation agreement is the result of much discussion and negotiation surrounding divisions of assets and liabilities and any support, maintenance, custody or visitation issues. If you are going through a divorce or separation, the sample separation agreement below will help you to start thinking about and preparing for these discussions and negotiations. Your attorney may choose to use the sample agreement as a resource, but will want to draft an agreement specifically tailored to your situation.

Note that if you and your spouse agree on a resolution to all of the main issues in the sample separation agreement prior to meeting with your attorneys, you may pay less in attorney's fees. This might be a possibility in less complicated separations, such as those stemming from a short-term marriage with no children.

SEPARATION AGREEMENT

_____, hereinafter referred to as "Husband," and _____, hereinafter referred to as "Wife," hereby agree to the following:

A. Preliminary Matters

1. Husband and Wife were lawfully married on _____, _____, at _____ (city), _____ (state), in the County of _____. Because certain problems have developed between Husband and Wife, they hereby agree to live separately and apart, subject to the terms and conditions as set forth below.
2. Husband and Wife have made a complete, fair, and accurate disclosure to each other of all financial matters affecting this agreement.
3. Husband and Wife have each been advised and counseled by attorneys of their choosing regarding their legal rights as related to this agreement.
4. This agreement is intended to be a final disposition of the matters addressed herein and may be used as evidence and incorporated into a final decree of divorce or dissolution.
5. Should a dispute arise regarding the enforcement of this agreement, the prevailing party will be entitled to his or her reasonable costs and attorney's fees.

B. Custody and Visitation

The children of this marriage are:

Name

Date of Birth

Social Security Number

The following children will reside with Husband:

The following children will reside with Wife:

The following children will reside jointly with Husband and Wife:

Custody will be shared according to the following schedule:

Husband will have visitation with the children not in his custody according to the following schedule:

Wife will have visitation with the children not in her custody according to the following schedule:

C. Child Support

Husband will pay to Wife the amount of \$ _____ each and every _____ (week, month, etc.) as and for child support.

Wife will pay to Husband the amount of \$ _____ each and every _____ (week, month, etc.) as and for child support.

D. Spousal Support

Husband will pay to Wife the amount of \$ _____ each and every _____ (week, month, etc.) as and for spousal support.

Wife will pay to Husband the amount of \$ _____ each and every _____ (week, month, etc.) as and for spousal support.

E. Homestead

Husband / Wife (circle one) will remain in the family home, located at _____.

Husband's / Wife's (circle one) new address will be

The expenses relating to the family home will be paid by the parties as follows: Husband will pay:

Wife will pay:

F. Other Debt & Expense Payments

Husband agrees to pay the following debts and expenses and will not hold Wife responsible for the same

Wife agrees to pay the following debts and expenses and will not hold Husband responsible for the same:

Neither Husband nor Wife may incur any additional debt that may result in joint liability. Any debt incurred by either party subsequent to this date will be the sole responsibility of that party.

G. Personal Property

The personal property of the parties will be divided as follows: To Husband:

To Wife:

H. Insurance

Husband will maintain life insurance in the amount of \$ _____ for the benefit of:

Wife will maintain life insurance in the amount of \$ _____ for the benefit of:

Husband will maintain medical and dental insurance for the benefit of:

Wife will maintain medical and dental insurance for the benefit of:

I. Attestation

Agreed to this _____ day of _____, _____.

By: Husband _____ Wife _____ Witnessed by: _____

(Witness or counsel signature) _____

(Witness or counsel signature)[NOTARY PUBLIC MAY AFFIX STAMP HERE]

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