

**QUESTION 12 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK IV**

Mia and Ronaldo began dating in 2000. At the time, Mia had sole custody of her 5-year-old son from another relationship. Ronaldo, who was the accountant for his family's soccer apparel business, proposed to Mia after they had dated for a little over a year. Upon learning that his son had proposed, Ronaldo's father became very concerned. He explained to Ronaldo that the family's soccer apparel store was doing very well. He was planning to open in new locations across the state, but he wanted to keep the business in the family. He also wanted Ronaldo to eventually take over the business, but he did not want Mia or her son to have any interest in the business should Ronaldo die or divorce Mia. He encouraged Ronaldo to get a written agreement from Mia waiving any interest in the business.

Ronaldo took his father's advice, but he only told Mia that his father was concerned about making sure that she would never be liable for any business debts. He did not mention any plans for opening new stores and keeping the business in the family because he did not want Mia to think poorly of his father. Mia agreed to sign a prenuptial agreement, and in 2002, she and Ronaldo signed a written agreement stating that each party waived any interest in the other party's previously owned property, as well as property acquired in their individual names during the marriage. The agreement also provided that, in the event of divorce, Mia would not have any claim or interest in Ronaldo's family business, and neither party would seek or be entitled to spousal support. At the time the agreement was signed, neither Mia nor Ronaldo had any substantial assets, and each was generally aware of what the other owned. Neither Mia nor Ronaldo had the agreement reviewed by an attorney.

Mia and Ronaldo were married in 2002 shortly after they signed the prenuptial agreement. Living in Michigan, Mia worked as a nurse and Ronaldo soon became the manager of his family's business. The business grew substantially and new stores were opened throughout the state.

In 2010, Mia discovered that Ronaldo was exchanging sexually explicit e-mails with other women and it appeared that he had engaged in one or more affairs. She immediately filed for divorce. Ronaldo's income at the time was approximately \$100,000 per year, and Mia's was \$65,000. Ronaldo expected to take over the family business within the next two or three years, at which point his income would substantially increase.

Mia filed a motion for declaratory relief with the family court. In her motion, she indicated that she had no desire to claim

any ownership in the soccer apparel business, but she wanted the prenuptial agreement to be declared void and she wanted substantial spousal support.

Discuss: (1) whether the prenuptial agreement between Mia and Ronaldo is valid; and (2) whether, if the court were to find that the prenuptial agreement was not valid, Mia can receive spousal support. Explain your answers.

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