

BALBI

& COMPANY

LEGAL CENTRE

Family Law

Lawyers

# NEWSLETTER

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## MARRIAGE PREPARATION COURSE

Many couples take a "marriage preparation" course before tying the knot. But the one issue the class never covers is the concept of the Prenuptial Agreement. A Prenuptial



Agreement is fundamentally a legal financial plan, and involves future planning. It may be the most important financial decision a spouse will make. The negotiation of the Agreement must respect this.

The traditional approach we often see is a fiancé is presented with a draft Prenuptial Agreement, and then he or she seeks independent legal advice. The parties may have discussed the Agreement, and even agree on the broad concepts, but the lawyer's job is to present all flaws and look at the "worst case scenario". The fiancé usually leaves this meeting feeling a bit overwhelmed and down-trodden. Not a great start to a negotiation or marriage.

At Balbi and Company, our preferred process is to initially meet with our client for legal

advice; and then have a meeting with both love birds and lawyers to cooperatively craft the Agreement unique to their situation. Both parties are involved in the process, questions are considered as they arise and both parties can openly discuss their philosophy of financial sharing (or not sharing) after marriage.

Then, when the Agreement is drafted, both parties already know what it will say, with no surprises. Surprises are better for marriage proposals, not legal contracts!

## RELOCATION SUCCESS IN MORNING CHAMBERS (NO LESS)

We represented a client this past summer who wanted to move

imminently with her 14 year old daughter to a town 350 kilometres from Calgary. The client did not understand that she needed either permission from the father to move, or a Court Order. The father would not consent to the move and the mother wished to move and get settled before the new school year began, one month



away. We had to bring an application very quickly and the only option was to apply to the Court in Morning Chambers. Normally such an application would require a trial, or at least a Special Application which allows for oral evidence and more time to present arguments. Because of the time crunch, neither of those options were viable for the client and because of the facts of the case, it was determined that an application to Morning Chambers should be made.

Fortunately for our client, the facts were in her favour as the father had not been overly involved with the child, nor had he taken any steps to be involved with the child over the last several months – although the father contested this. With a detailed Affidavit and corroborating documentation, we took the matter to the Judge. The Judge decided that the child could relocate with our client. Our client and her daughter were able to move in time to settle in one week before school began in September.



## Humour



What do lawyers wear to Court?

Lawsuits of course!  
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Q: How many lawyers does it take to change a lightbulb?

A: Such number as may be deemed to perform the stated task in a timely and efficient manner within the strictures of the following agreement: Whereas the party of the first part, also known as "Lawyer", and the part of the second part, also known as "Lightbulb", do hereby and forthwith agree to a transaction wherein the party of the second part (Lightbulb) shall be removed from the current position. The aforementioned removal transaction shall include, but not be limited to, the following steps:

1) The party of the first part (Lawyer) shall, with or without elevation at his option, by means of a chair, stepstool, ladder, or any other means of elevation, grasp the party of the second part (Lightbulb) and rotate the party of the second part (Lightbulb) in a counter-clockwise direction, this point being non-negotiable.

2) Upon reaching a point where the party of the second part (Lightbulb) becomes separated from the party of the third part (Receptacle), the party of the first part (Lawyer) shall have the option of disposing of the party of the second part (Lightbulb) in a manner consistent with all applicable provincial, local and federal statutes.

## BALBI L.A.W. (LEGAL ADVISORY WORKSHOP) SEMINARS

Recent Balbi L.A.W. (Legal Advisory Workshop) Seminars include the following:

**"Relocation: New Law on Moving with Your Children" Hosted by Crystal Thompson.**

**"Extra, Extra! Daycare & Activities, Additional Child Support" Hosted by Ceri Chwieros.**

**"Make the Tax Man Pay – Tax Tips for Family Law Clients." Hosted by Lonny Balbi with special guest speaker Lance Clark.**

**"How to Ensure Your Children's Future: Contributing to RESPs." Hosted by Crystal Thompson with special guest speaker Dave Simpson.**

**"New Year's Tune Up." Covers a number of topics. Hosted by Lonny Balbi with guest speaker Sheila Cameron.**



If you missed any of our recent seminars, we have posted these archived recordings on our web site at [www.familylaw-balbi.com](http://www.familylaw-balbi.com).

Go to the **Balbi L.A.W. Seminars** page to listen to any of the saved seminars.

Information about the Seminars, including dates, topics and call-in numbers, is sent to you via email. If we don't have your email address and you'd like to be added to our distribution list, please forward your email address to [balbico@familylaw-balbi.com](mailto:balbico@familylaw-balbi.com), or call 403.269.7300.



## EXTERNAL RESOURCES

**Family Law Information Centre  
Family Justice Services**  
General Info: 403.297.6981  
Information can also be accessed through the internet under Court of Queen's Bench Calgary.



## ANNOUNCEMENTS

**New DRO & Mediator at Balbi & Company**

We wish to congratulate Ceri Chwieros of our office who has now been accepted at the Court of Queen's Bench of Alberta as a Dispute Resolution Officer. Ceri has also now completed her mediation requirements and is now an accredited mediator. Congratulations to Ceri on both counts!!

To unsubscribe from our e-mail, please notify us at [balbico@familylaw-balbi.com](mailto:balbico@familylaw-balbi.com)

## CAST & CREW



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