



Separation Agreements

FLAT FEE PRICING

We are pleased to offer flat fee prices for preparing separation agreements. Our prices for the drafting of a separation agreement are as follows:

- 1** Family property and debt with a total aggregate value less than \$1 million
\$2,500 plus taxes and disbursements
- 2** Family property and debt with a total aggregate value between \$1 million and \$1,999,999
\$3,500 plus taxes and disbursements
- 3** Family property and debt with a total aggregate value of \$2 million or more
\$5,000 plus taxes and disbursements

NOTE: For each pension to be divided, other than Canada Pension Plan credits, an additional fee of \$350 per pension will be added, to a maximum of \$700.

The above prices are inclusive of only the work we perform to take your instructions, prepare the agreement, and to provide your ex-spouse with a copy of the drafted agreement. Any time spent thereafter to negotiate with your ex-spouse or their lawyer will be billed at our hourly rates.

**Quality Service, Caring Lawyers,
Serving Our Community Since 1904**

We focus on areas of law that we are passionate about. We are dedicated to providing expert legal services in various practice areas including Family Law, Real Estate, Business Law, Separation, Wills & Estates, Personal Injury, Estate Litigation, Employment Law, and Insurance Disputes.



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**Flat Fee
Family Law
Agreements**

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Q&A Separation Agreements

Q How do I know if I need a separation agreement?

A If you are married and are seeking to get divorced, you need to resolve all legal issues stemming from the breakdown of your marriage. These include parenting of minor children, child support, dividing property and debt, and addressing possible spousal support claims. If you and your ex are amicable and can agree on how to resolve those issues, then a separation agreement is a great way to resolve your case. However, if you and your ex disagree on one or more of the issues, then a separation agreement is probably not appropriate.

Q Can I get divorced without a separation agreement?

A Yes... but if you don't have a separation agreement then the issues of parenting, child support, dividing property and debt, and spousal support will have to be decided by a judge or arbitrator. This involves a trial or contested hearing in court or through an arbitration proceeding. This is expensive and time consuming. If you and your ex can come to terms of agreement, then a separation agreement is the best way to wrap up your divorce or separation.

Q Should I have my lawyer draft a separation agreement if I haven't already discussed with my ex how we want to resolve all of the issues in our divorce or separation?

A Probably not. A separation agreement is just what it says it is... an agreement. In order to make an agreement, both parties must agree on all of the terms in the agreement. Accordingly, having your lawyer draft a separation agreement before you and your ex have agreed on how to resolve all of the major issues (parenting, child support, dividing property and debt, and spousal support) is likely not appropriate. You must first reach a mutual understanding with your ex about the major issues, then a separation agreement can be prepared.

Q What information do my ex and I need to exchange when doing a separation agreement?

A Our firm will work with you to collect a host of financial and personal information when we open your file. Typically, we request tax returns, bank account numbers and balances, pension statements, credit card numbers and balances, and credit balances—including mortgages. The quicker you can provide the requested information to us, the easier it is for us to draft the agreement.

Q Once the agreement is drafted, and I approve it to be sent to my ex, what guarantee do I have they will sign it?

A Zero. There is no guarantee that your ex will sign the agreement. They are welcome to hire their own lawyer to review the agreement. If they hire a lawyer, then the lawyer may request changes to the agreement and begin a process of negotiating the terms in the agreement. Even if your ex doesn't hire a lawyer, they may still request changes to the agreement and seek to negotiate revisions to it. However, if you and your ex have put in the hard work up front to discuss what you both want out of the agreement and your mutual understanding of what the agreement will say, then any requested changes to the agreement will likely be limited and nominal.

Cohabitation Agreements

FLAT FEE PRICING

We are pleased to offer flat fee prices for preparing cohabitation agreements. Our prices for the drafting of a cohabitation agreement are as follows:

- 1** Family assets and debts with a total aggregate value less than \$1 million
\$2,500 plus taxes and disbursements
- 2** Family assets and debts with a total aggregate value between \$1 million and \$1,999,999
\$3,500 plus taxes and disbursements
- 3** Family assets and debts with a total aggregate value of \$2 million or more
\$5,000 plus taxes and disbursements

The above prices are inclusive only of the work we perform to take your instructions, prepare the agreement, and to provide your spouse/partner with a copy of the drafted agreement. Any time spent thereafter to negotiate with your spouse/partner, or their lawyer, will be billed at our hourly rates.

Q&A Cohabitation Agreements

Q How do I know if I need a cohabitation agreement?

A A cohabitation agreement is sometimes referred to as a "prenuptial agreement" or "prenup." These types of agreements are used by couples before marriage or becoming common law spouses. The reason a couple would enter into such an agreement is to provide certainty regarding what would happen if the couple separated in the future. If they do separate, the cohabitation agreement will dictate how their assets and debts are divided and issues of support are determined. The cohabitation agreement governs the terms of the separation, instead of the Family Law Act and/or Divorce Act.

The most common reason why a couple signs a cohabitation agreement is to protect their separate property, assets, and income, so that each person's property going into a relationship is preserved and stays theirs if the relationship comes to an end.

Q What happens if we separate, and we don't have a cohabitation agreement?

A If you do not have a signed cohabitation agreement, the default rules in BC's Family Law Act and/or the Divorce Act will automatically apply should your relationship come to an end.

Q Should I have my lawyer draft a cohabitation agreement if I haven't already discussed with my spouse/partner how we would want to divide certain assets if we ever do separate?

A Probably not. A cohabitation agreement is just what it says it is... an agreement. In order to make an agreement, both parties must agree on all of the terms in the agreement. Accordingly, having your lawyer draft a cohabitation agreement before you and your spouse/partner have agreed on how to divide certain assets is likely not appropriate. You must first reach a mutual understanding with your spouse/partner about the assets you each want to protect, then a cohabitation agreement can be prepared.

Q What information do my spouse/partner and I need to exchange when doing a cohabitation agreement?

A Our firm will work with you to collect a host of financial and personal information when we open your file. Typically, we request tax returns, bank account numbers and balances, pension statements, details of any owned properties, credit card numbers and balances, and credit balances—including mortgages. The quicker you can provide the requested information to us, the easier it is for us to draft the agreement.

Q Once the agreement is drafted, and I approve it to be sent to my spouse/partner, what guarantee do I have that they will sign it?

A Zero. There is no guarantee that your spouse/partner will sign the agreement. They are welcome to hire their own lawyer to review the agreement. If they hire a lawyer, then the lawyer may request changes to the agreement and begin a process of negotiating the terms in the agreement. Even if your spouse/partner doesn't hire a lawyer, they may still request changes in the agreement and seek to negotiate revisions to it. However, if you and your spouse/partner have put in the work up front to discuss what you both want out of the agreement and you have a mutual understanding of what the agreement will say, then any requested changes to the agreement will likely be limited and nominal.