



The Hammer Comes Down: When the Underwear Stinks

Description

What you need to know before becoming a couple

By Linda Hammerschmid

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It is appalling the number of horror stories that have come across my desk concerning couples splitting up, and who chose not to protect themselves before living together.

Hopefully, after reading this column, you will decide to protect yourselves, your children and tell your friends to do the same, as that is being smart. So why do people, deep in the throws of starry-eyed love, abandon all logic at a time when many of their most important life decisions are being made?

- To get married or simply live together.
- To have, or not, children—and if so, how to raise them (religion, school, stay-at-home parent).
- To buy property.
- To put in place a plan for retirement.
- To start a company.
- To work for a spouse without pay.

These are but a few of the life choices any couple should address in advance of shacking up, in or out of marriage (or civil union). Perplexing is how much time and energy, and money, are put into the planning of wedding receptions, or choosing the right kind of tires for the car, but not into the issues raised above that are so much more fundamental. With statistics being what they are, couples really must discuss and take these life altering decisions more seriously instead of simply ignoring them. Sooner is always better than later.



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Couples often don't enter into marriage contracts/rupture contracts in the event of a split because they tell themselves:

- We're in love and nothing will happen.
- We don't have anything, so we don't need a contract.
- Asking him/her to get a contract will seem like only the money is important.

This reasoning is not only unrealistic but it is also the best way to ensure future problems. If you really do love each other, take the necessary time to discuss and decide upon these important issues beforehand, because if you can't, that should be a very significant clue that you should not be living together or getting married. My first boss would say, "See me now or see me later." I call the entire conundrum "When the Underwear Stinks!"

This means that if you can't come to a *motis vivendi* contract when you are in love, you certainly won't be in a position to do it when you are no longer in love, when you feel betrayed, when you learn the money is gone, when you hate each other or—*when the underwear stinks*.

For those who have heard me on the radio, I harp on this fact repeatedly. You are born alone (unless you're twins), die alone, and in-between you need to protect yourself alone. A happy couple is made up of two financially autonomous people who are not monetarily dependent on each other, because when you are dependent you cannot make good life decisions. You feel trapped as if there is no place to go and often there isn't if you failed to plan ahead for yourself.

It is extremely important to know your rights and obligations before you commence a life together. One of the most difficult lessons to learn, after the fact, for those who did not get married, is that there is no Common Law in Quebec.

The situation is analogous to the standard instructions we all receive after boarding a plane. In case of emergency put on your own oxygen mask before helping anyone else. This is the same advice you should apply when deciding to live together, just as you must plan for your retirement when you are young (the younger the better), not when you turn middle aged or have already attained 60-plus years of age.

Well, those are the highlights to digest and certainly food for thought. You all know someone who is about to start living with their mate, or it may even be yourself. Get legal advice, get a tailor-made contract for your situation, and do it before the underwear stinks!

In future columns I will discuss in more detail what can be done in contracts to protect yourself from yourself.

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