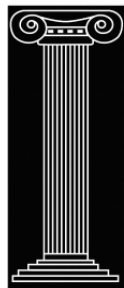


Get What You Want Out of Your Divorce with Advanced Planning

Presented by:

Attorney Mark L. Krueger



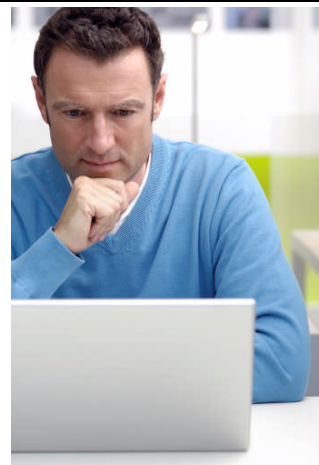
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Get What You Want Out of Your Divorce with Advanced Planning

“He/She got everything in the divorce.” We’ve all heard it before, but in reality, the division of assets, debts, rights and responsibilities is likely to be very fairly similar for both parties. For that reason alone, it is important for people facing a divorce to establish clear priorities, and figure out what is really important to them.

As your divorce begins, it is important to sit down and identify the issues that are likely arise in your divorce. Every divorce is different and only you know what issues are important to you. Make a list of assets. Are there any particular assets that you want? If so, spend some time thinking why it is so important to you to have that particular asset? By doing so, you may realize that it is not nearly as important as you first thought. Establishing your priorities as to what you want to keep and what you can live without will help prepare you and your attorney for getting what you want without spending unnecessary time and money in the process. If an agreement can be reached, your attorney should be able to negotiate a fair and reasonable settlement or, in the alternative, receive similar results from the court.



One way to look at a divorce is to say that each asset held by the spouses, whether jointly or individually, is a card, and all the cards must be placed on the table face up to be divided. Through the divorce process, each spouse takes certain cards, and there are any number of ways that these cards can be allocated.

If you have children, the care and custody of the children is likely to be a priority as well as a substantial factor in your divorce. Even if one parent is willing to concede custody of the children, there will undoubtedly be further issues. These may include, but are not limited to, a visitation schedule for the non-custodial parent, division of school vacations, the amount of child support to be paid, the division of educational expenses, and the decision making process for child activities such as sports and summer camps.

The division of assets is another key component. Though the division may be governed by a prenuptial agreement, if one exists, it includes dividing major items such as real estate, bank accounts, stocks, pensions and other retirement plans. Here is an area where establishing priorities is crucial. Are you concerned more by current cash flow than future savings? If so, you may want to sacrifice some retirement dollars in a negotiation in order to take more cash today.

Perhaps your main objective is to remain in the marital residence. In many divorces, the house is the largest asset of the parties. This means that whichever spouse stays in the home is most likely going to have to offset that by giving the other spouse a larger share of the remaining assets. Is that a tradeoff you are comfortable with? Or would you rather sell the home and divide the proceeds?

Other issues that may be dealt with in your divorce include health insurance and taxation. If your health insurance is provided through your spouse’s employer, although the children can continue coverage under that policy, you will have to either get your own policy or continue for 36 months with COBRA coverage. If your spouse does not voluntarily prepare the information, either ask for it or go directly to the employer. Also, if you need to have health insurance provided for you through your spouse’s employer and you want your spouse to pay for it, this is something that your attorney can negotiate as part of a settlement agreement.

For taxation purposes, is it important to you to take any dependency exemption that you and your spouse may be eligible for? If not, you may be able to use this issue as a carrot to obtain something else that is more important to you.



Give and Take

While you may hire the greatest divorce attorney in the world, he or she is not going to be able to get you everything. You are going to have to give and take. Whether you settle or litigate your case, this is the reality. However, if you make your priorities clear to your attorney, he or she should be able to either make an offer of settlement to your spouse or make a case to the court that both gives you what you want most and is reasonable.

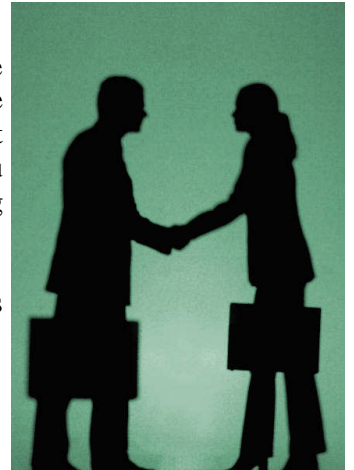
Being reasonable is crucial, because it forces your spouse and his or her attorney to seriously consider your offer. In the alternative it informs the court that you are attempting to resolve this matter fairly, and it provides the court with a resolution it can adopt should you not be able to reach a resolution.

Having a clear idea of what you want most may also help to minimize the cost of divorce. For example, if your attorney knows from the onset that you are interested in staying in the marital home and retaining stocks, but that you are not so concerned with retirement dollars, then the attorney can structure a proposal that addresses your concerns while making it palatable for your spouse.

This does two things. First, it gets straight to the point of what you want, without spending time and money debating the numerous paths that your divorce could take. Second, it gives your spouse an idea of your priorities and what you are offering to them. This will either lead to an agreement that you can both live with, or will let you know that you cannot reach an agreement because you are both determined to keep the same things. Either way, you streamline the process by knowing what each party's positions are, and then proceed with either negotiating or preparing for litigation.

By recognizing that you are not going to take everything, hopefully you can go into the process with realistic expectations and be more prepared for your life after the divorce.

For more information, call us today at (866) 455-2993.





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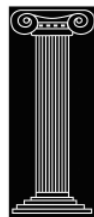
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