

CHECKLIST

FOR THE PREPARATION OF A DIVORCE SETTLEMENT AGREEMENT



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When you divorce, you also part ways with your partner financially. The so-called collateral consequences need to be settled. Clarification is needed as to who keeps what, who receives something from the other, who stays in the family home, who moves out, who takes care of the children and when, who pays for the joint children.

In other words, you will have to agree on the division of assets (so-called division of matrimonial property), on the division of occupational pension assets (BVG), on the allocation of the family home, on any maintenance payments to one spouse, on child support as well as on the allocation of parental care, custody and visitation rights.

You can either reach a comprehensive agreement on the settlement of the ancillary consequences or reach a partial agreement and leave the settlement of the disputed points to the court.

The following points, among others, must be settled when divorcing:

1

Assignment of the family home

- Who stays in the home and has the exclusive right to use it?
- Who is moving out and when?
- Do you agree on this?
- If not, the court will decide. The criterion will be who is better served by the home.

Your remarks:

In the case of joint children:

2

Allocation of custody of the joint minor children

Since 2014, the law has generally provided for joint parental custody.

Your concerns, wishes, worries:

3

Regulation of care time in the event of joint parental custody or regulation of visitation and vacation visitation rights for the non-custodial parent

Your concerns, wishes, worries:

4

Determination of child support payments

Your ideas:

5

Determination of any maintenance payments to the spouse

Your ideas:

6

Matrimonial property settlement

- Have you concluded a marriage contract?
- If so, when did you conclude the prenuptial agreement and what did you agree?
- Has the extraordinary matrimonial property regime of separation of property once occurred?
- When and where did you marry?
- Where was your first marital residence after marriage?
- Did you move your marital residence abroad? If yes, where and when?
- What assets are present?
- What are the liabilities?
- Bank accounts, securities, etc.
- Allocation of real estate

- Allocation of furniture and household goods
- Allocation of vehicles
- 3rd pillar assets, life insurance policies
- Other assets
- Who will take over the outstanding debts?

Your remarks:

7

Occupational benefit plan (pension fund)

- Assets of the spouses acquired during the marriage until the date of initiation of divorce proceedings
- Do you have pension fund withdrawals (home ownership)?

Your remarks:

8

Allocation of court and legal fees

Your remarks:

TAMARA FREHNER

Attorney at Law, Mediator SBA / SCCM



- Thank you for your interest in working with me. I look forward to actively shaping your future together with you.
- As an independent attorney-at-law since 2007 and as a SBA / SCCM mediator, I help private individuals and entrepreneurs to find pragmatic, creative solutions to legal challenges.
- Furthermore, I prefer business contexts, which is why I worked as a lecturer teaching business law at the HWZ University of Applied Sciences for Business Administration Zurich and as the chairwoman of the board of directors of an SME. During my international postgraduate studies (LL.M.) in Boston, I focused on "international business practice". I am also admitted to the New York State Bar (Esq.).
- I look forward to hearing from you to discuss how I may support you.

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