

## **Client Guide & Checklist: Contracting Out Agreement (s 21)**

*From first meeting to signing — what to expect and what we need from you.*

This guide explains the steps to put a Contracting Out Agreement (often called a prenup/postnup) in place. Both partners must receive independent legal advice and sign before a lawyer who certifies the agreement.

### **At a glance — your pathway**

- ☐ Book the initial free consult / this session enables us to scope your matter and confirm our fee (15 minutes).
- ☐ Engage PK Law (letter of engagement) and complete ID/AML checks if required.
- ☐ Book full consultation meeting (this is where we discuss your matter in detail, provide advice and strategy).
- ☐ Compile disclosure: assets, debts, income; trusts/companies; supporting documents.
- ☐ We draft your agreement; you review and ask questions.
- ☐ We coordinate any negotiation with your partner's lawyer / exchange disclosure in respect of assets and liabilities.
- ☐ Once both of you and your respective lawyers are happy with the agreement, we arrange for signing of the agreement.
- ☐ Complete post signing steps if applicable (transfers, trustees' resolutions etc).

### **Step by step with timings**

1. Initial consult & scoping (1–2 days): brief facts, objectives, urgency. We confirm scope and fees.
2. Engagement & onboarding (1–2 days): confirm receipt of engagement letter, provide identity documents for AML, and complete a short questionnaire.
3. Consultation (1-3 days): we discuss your matter in detail, provide advice and strategy.
4. Drafting (3–7 days): we prepare the draft agreement with schedules (or we receive and review the draft agreement prepared by your partner's lawyer).
5. Disclosure (3-7 days / can be attended to while we draft the agreement): your prepare a clear list of assets, debts and income. Include trusts/companies and

any recent major transactions. Provide copies of statements/valuations where available.

6. Review & negotiation (3–10 days): you read the draft; we address questions and exchange mark-ups with the other lawyer.
7. Independent advice & certification (1–3 days): once everybody is happy, we arrange for the signing with you and your partner arranges for signing with their lawyer.

### **What we need from you — documents checklist**

- ☐ Photo ID and proof of address to onboard you as a client.
- ☐ Asset & liability list with balances
- ☐ Income details (salary, self-employment, dividends).
- ☐ If you have been in a relationship for over three years, evidence of current value of your assets and liabilities: bank/loan statements, recent valuations, KiwiSaver statements.
- ☐ Trust/company records if applicable (trust deed, share register, basic financials).
- ☐ Any prior relationship agreements (if relevant).

### **Good practice to keep your agreement durable**

- ☐ Allow enough time (avoid last minute signing before a wedding).
- ☐ Make disclosure complete and honest; note any estimates or unknowns.
- ☐ Keep terms clear and practical (valuation dates, deadlines, payment mechanics).
- ☐ Revisit the agreement after major life events (children, new assets, international moves).

*Important* — Both parties must have independent legal advice and lawyer certification.

### **Frequently asked by clients**

*Can one lawyer act for both parties?*

No — each party must have their own lawyer.

*How long does this take?*

Straightforward matters often complete in 1–3 weeks; complex agreements that require negotiations, extensive disclosure and valuation will take longer.

*Do you charge hourly rate or a fixed fee?*

We charge our clients fixed fee. We have three different prenup packages, that vary by complexity level. The price of the applicable package applies. Please refer to the pricing tab on our website.