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NEWS RELEASE

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Landmark PreNup Order Entered Today

Aurora, Ill. (Feb. 14, 2008) – For the first time in the Illinois since 1990, when the *Uniform Premarital Agreement Act* was adopted in the state, a prenuptial agreement was deemed invalid by the Court. The written order, signed and entered by the Honorable Judge Martin Zopp in McHenry County today, declared a multi-million dollar estate to be marital property in the matter of *Foster v. Foster*, a dissolution of marriage. Judge Zopp issued an oral ruling in the matter last December.

“This is a landmark decision by Judge Zopp and a demonstration of the system at work,” said Attorney Joseph P. McCaffery of Aurora, who represents Mrs. Foster. “The ACT was designed to protect the parties and the Court proved it will not tolerate diversions from the law.”

Specifically, the Court found:

- There was possibly manipulation by Mr. Foster of Mrs. Foster’s legal representation but it is not totally clear based on the evidence;
- Mrs. Foster did not have knowledge nor the reasonable ability to obtain knowledge of Mr. Foster’s property or financial obligations based on the circumstances of the case;
- The provisions in the pre-nuptial agreement were disproportionate at the time the agreement was made and there was a disproportionate treatment of the petitioner by the respondent with regard to the disposition of property;
- The relative economic positions of the parties at the signing of the agreement was disproportionate; the pre-nuptial agreement executed by the parties is unconscionable as a matter of law and therefore invalid and unenforceable as against the Mrs. Foster; and
- Mr. Foster has not met his burden to establish that properties valued at nearly \$2.5 million, are non-marital.

The result of the ruling is Mr. Foster will share equally with Ms. Foster, a retired school teacher, the nearly \$2.5 million marital estate garnered during their 16.5-year marriage.

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