

30-8-6 Enforcement.

- (1) A premarital agreement is not enforceable if the party against whom enforcement is sought proves that:
 - (a) that party did not execute the agreement voluntarily; or
 - (b) the agreement was fraudulent when it was executed and, before execution of the agreement, that party:
 - (i) was not provided a reasonable disclosure of the property or financial obligations of the other party insofar as was possible;
 - (ii) did not voluntarily and expressly waive, in writing, any right to disclosure of the property or financial obligations of the other party beyond the disclosure provided; and
 - (iii) did not have, or reasonably could not have had, an adequate knowledge of the property or financial obligations of the other party.
- (2) If a provision of a premarital agreement modifies or eliminates spousal support and that modification or elimination causes one party to the agreement to be eligible for support under a program of public assistance at the time of separation or marital dissolution, a court, notwithstanding the terms of the agreement, may require the other party to provide support to the extent necessary to avoid that eligibility.
- (3) An issue of fraud of a premarital agreement shall be decided by the court as a matter of law.

Enacted by Chapter 105, 1994 General Session