



Marriage contract

The marriage contract is a notarial deed in which, either prior to the wedding or during the wedding, spouses can make a choice about their matrimonial property regime. Spouses are not obliged to enter into a marriage contract. If a marriage contract is not entered into, the legal regime will automatically apply. Nevertheless, entering into a marriage contract - even when the legal regime is chosen - can be useful. After all, the legal way of compiling and distributing the spouses' personal assets and the common property can be deviated from through the marriage contract.

Possible provisions and clauses in the marriage contract for spouses married under the legal regime: a number of examples

Optional clause

An optional clause allows the surviving spouse to protect himself or herself, taking into account the actual (financial) situation at the time at which the first spouse dies. Decisions will not need to be taken until that time concerning the fate of the common property. The surviving spouse may, for example, decide to take on full ownership of the entire common property in full title, or only take on ownership of the movable property, or the immovable property, etc. the possibilities are endless.

Contribution of personal assets

It is possible to contribute personal assets to the matrimonial community of property. This may, for example, be useful for a building plot, owned by one of the spouses, so that both spouses can build on this plot together in the future. After all, without this contribution, the house would continue to belong to the personal assets of one of the spouses, even if the other spouse partially financed construction of the house.

Retention of income from personal assets

In the legal regime, income from personal assets are part of the common property, consider rental income from an own home or the dividends from own shares. It can be incorporated into the marriage contract that these incomes are still part of the personal assets.

Proof of ownership own property

It can be incorporated into the marriage contract which property the spouses already had prior to the marriage, this can avoid any arguments at a later stage about who the owner is.

Decision

Drawing up a marriage contract is therefore a definite must! But even if you already have a marriage contract, it can still be useful to review this. Many older couples still have, for example, a 'surviving spouse takes all' clause in their marriage contract; from a tax point of view, this can have a very adverse effect. This can always be amended by a civil-law notary.

Contact your accountmanager or one of our specialists at contact@vdl.be.