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## If marriage is out, better get a contract

If you're thinking of living with someone without the protection of a marriage license, stop and think again. Temper your romance with realism. A non-nuptial legal contract may be your safest and smartest course, according to one area attorney.

Non-marrieds suing for property settlements are on the rise. Since the case of actor Lee Marvin's live-in girl friend Michelle Triola surfaced in 1976, similar legal suits have been cropping up throughout the country.

In Wayne County, recently, a man who lived with a woman for seven years was ordered to give her a fair share of their accumulated property—even though the pair were never married.

Wayne County Circuit Judge Myron Wahls, who issued the ruling, said he believes his opinion marks the first time in Michigan that the court has recognized the jointly accumulated property rights of women in such relationships.

Dearborn Atty. Michael Kalis, who represented the woman in

that case, calls the recent non-marriage settlements a "creature of the times—a by-product of our life styles."

The non-nuptial legal contract may be "the most prudent thing to do" for couples living together, said Kalis.

"If they really want to protect themselves—and are that much against marriage—then it may be the way to go."

Kalis said a legal contract may alleviate much of the legal hassle when, and if, the couple decide to part.

Kalis adds, however, he's not sure how realistic the non-nuptial contract is.

"I don't see many people doing it because it immediately introduces an element of doubt into the relationship."

Non-marriage settlements to date have been relatively few. Most have centered among a handful of wealthy entertainers.

Kalis said it's hard to generalize about non-marriage settlements.

"It's a case by case determina-

tion. The facts—length of the relationship, money and property contributed by each party—are the important consideration."

In the Wayne County case, which is pending, Kalis said the domestic relationship is based on a business theory which states both are equal partners and should split their assets accordingly.

In his opinion the judge stated "This case turns not on hard legal theories and conclusions, but rather on equitable principles."

Several area lawyers said no one really knows what juries will do in such "non-marriage settlements." But one attorney offered this advice: "Whatever the terms of your live-together relationship, put it in writing."

"If you're worried about breaking up and are property conscious, you should draw up an agreement."

But as one attorney cautioned, "you may end up not living together." Another said, "I personally think it's a terrible way to start a relationship."

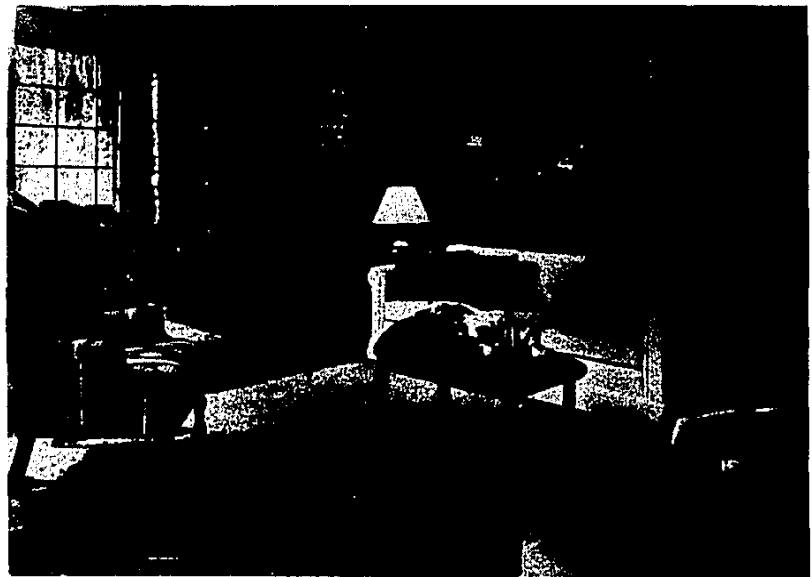
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