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ENTERTAINMENT NOVEMBER 3, 2016

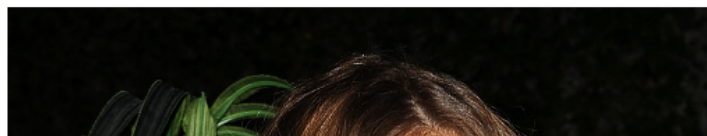
Is the ‘inconvenience fee’ the answer to no prenup? Mariah Carey may make it that way



JPAYE

Rumors are circulating that R&B songstress Mariah Carey wants an “[inconvenience fee](#)” after she parted ways with her fiancé James Packer totaling \$50 million. This news brought out calculators and threats of invoices for all the broken hearts across America. If Carey can get an “inconvenience fee” simply for a breakup, then so can they.

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MONEY MATTERS TO LIL WAYNE, EVEN WHEN 'BLACK LIVES MATTER' MOVEMENT DOESN'T



Could she potentially win a case if this fee goes to trial? Probably not. But are there legitimate legal and financial issues that one or both parties who are engaged — or even just cohabitating — could be entitled to? Yes.

In between all the laughs that Madame Noire's post "[10 Times You Probably Should Charge Your Ex An Inconvenience Fee](#)" received, one strong point was about wedding planning. While it's unclear just how close Carey and Packer were to completing their wedding arrangements, deposits for wedding specifics have to be put down sooner rather than later. And considering she married her ex-husband Nick Cannon every year, it's safe to say she'd at least been in the brainstorming stages of the wedding nuptials with her now ex-beau.

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But those plans cost money, and the more extravagant the wedding is, the more money required to be put down. It's one of the reasons that people take out [wedding insurance](#). (As exciting as that scene was with Whitley Gilbert letting go of Byron Douglas III's hand to run into Dwayne Wayne's arms, those "A Different World" scenarios in real life would cost the bride and groom a lot of money.)

Recommended Reading: "[Rob Nuccio, owner of WedSure, talks wedding insurance pros and cons, Bridezillas](#)"



And even a superstar reportedly worth **\$27 million** wants her money's worth in the form of an "inconvenience fee." Her rationale is allegedly linked to "something really bad" that happened on a yacht in Greece, moving from New York to Los Angeles, and cancellation of her Latin American Tour. While it is up to a court system to decide whether these factors really are legitimate reasons to ask for \$50 million, for the everyday person with or without a prenuptial agreement, there is another way to recoup lost funds in the event of a breakup: a cohabitation agreement.



Say goodbye to the wedding cake. (Photo credit: Pixabay)

Cohabitation agreements

A cohabitation agreement is a contract signed between an unmarried couple who decides to live together. It's a way for the couple to safeguard their individual interests and assets while they live together.

A couple should check the laws within their state to see if cohabitation agreements are recognized. In California, where Carey and Packer reside, cohabitation agreements are used.

Here are some elements that are needed for a cohabitation agreement to be enforceable: it needs to be in writing, signed by the couple, and both parties should have an ample period of time to reflect on the terms of the cohabitation agreement before signing it.

Cohabitation agreements usually contain clauses that specify:

- Support payment to the partner who makes less money;
- How assets of the couple will be divided; and
- Buyout terms for the cohabitating partner who moves out of the couple's home.

In Carey's case, the cohabitation agreement could have stipulated Packer would pay Carey \$50 million as a buyout for her to move out of their home. Or, that the \$50 million was a support payment that Packer agreed to pay Carey if the relationship ended.

A cohabitation agreement would have protected Packer's interests too. He could have



There can be romance with finance. (Photo credit: Pixabay)

A cohabitation agreement would have protected Packer's interests too. He could have negotiated for the cohabitation agreement to stipulate that the parties keep all the assets and money they had before they started cohabiting. Then he would not be dealing with the possibility of having to pay this "inconvenience fee."

Palimony laws in California and beyond



Downtown Los Angeles (Photo credit: Pixabay)

Carey could also argue that she is entitled to a \$50 million palimony payment. For example, under California law, an unmarried, cohabitating individual may be entitled to palimony when the relationship comes to an end. In [states where palimony is honored](#), a former cohabitating partner must show that the couple had an expressed or implied contractual agreement. Or, one partner is entitled to receive some financial benefit in exchange for something of value such as taking care of the other partner or giving up a career.

If there is any merit to [TMZ's](#) alleged claim that Carey and Packer had an unsigned prenuptial agreement, then Carey may use the unsigned prenuptial agreement to show the parties had an

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Carey and Packer had an unsigned prenuptial agreement, then Carey may use the unsigned prenuptial agreement to show the parties had an implied contractual agreement that Packer would give her a \$50 million support payment if their relationship ended. Carey would have to bring her palimony suit in civil court as a breach of contract action.

Recommended Reading: “[Common interests: Real estate property in common law marriage](#)”

Have more about questions about cohabitation agreements and palimony? Contact [J. Paye & Associates](#) today.

Shamontiel L. Vaughn contributed to this blog. Find out more about her at [Shamontiel.com](#).

The information contained here is intended to provide useful information on the topic covered but should not be construed as one-size-fits-all legal advice. Speak to an attorney specifically
