

SUPREME COURT OF LOUISIANA

NO. 94-C-1594

MICHAEL L. MCALPINE

VERSUS

JONNIE FOX MCALPINE

JOHNSON, JUSTICE

(CONCURRING IN PART/DISSENTING IN PART)

I join the majority in concluding that antenuptial agreements waiving permanent alimony are enforceable, but dissent from the majority opinion that this agreement was entered into voluntarily.

This was not the typical arms-length negotiated contract. In fact, Mrs. McAlpine was presented with this pre-nuptial agreement one week prior to the wedding, and after the wedding invitations had been mailed. Neither Mr. McAlpine who is an attorney, or his attorney who drafted the document suggested to Mrs. McAlpine that she obtain legal counsel. All of the facts suggest coercion or overreaching to me, and I would set aside the antenuptial agreement.

For the foregoing reasons, I respectfully **concur in part; and dissent in part.**

