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Attorney for the Petitioner

**IN THE THIRD DISTRICT COURT,
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH**

<p>In the matter of the marriage of</p> <p>Thomas E. Macaluso,</p> <p style="text-align: center;">Petitioner,</p> <p>and</p> <p>Young Ja Smith,</p> <p style="text-align: center;">Respondent.</p>	<p style="text-align: center;">Petition for Declaratory Judgment</p> <p>Civil No.:</p> <p>Judge:</p> <p>Commissioner:</p>
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COMES NOW the Petitioner, Thomas E. Macaluso, by and through his attorney of record, James I. Watts, pursuant to Rule 57 of the Utah Rules of Civil Procedure and U.C.A. § 78B-6-401 et seq. does petition this court for an order declaring that the Prenuptial Agreement entered, into, by the parties is valid and governs the property issues in the divorce proceedings case # 224905635.

Jurisdiction/Venue

1. The Petitioner is a resident of Salt Lake County.
2. That Respondent is a resident of Salt Lake County.
3. That the court has jurisdiction pursuant to U.C.A. § 78B-6-401.
4. That venue is proper pursuant to U.C.A. § 78B-3-307.

Background/Facts

1. The Petitioner and Respondent were married on or about the 25th, day of November, 2019, in Salt Lake City, Salt Lake County, and State of Utah.
2. Prior to the marriage the parties executed a prenuptial agreement governing the division of property and payment of debts in the event of divorce. A copy of which is attached hereto as *Ex. A*
3. That prenuptial agreement was executed, by both parties, in front of a Notary Republic on November 15, 2019.
4. Since the execution of the prenuptial agreement and the marriage, the parties have been operating under the prenuptial agreement.
5. A Petition for Divorce was filed on October 4, 2022.
6. Respondent filed her Answer and CounterClaim on October 21, 2022.

***First Cause of Action
Declaratory Judgement
U.C.A. § 78B-6-401, Utah Rules of Civil Procedure 57***

7. The Petitioner incorporates, by reference, all preceding paragraphs as if set forth fully herein.
8. Pursuant to Rule 57 of the Utah Rules of Civil Procedure and U.C.A. § 78B-6-401 the Petitioner requests a declaratory judgment finding that the prenuptial agreement entered on November 15, 2019, is an enforceable agreement, signed by both parties and notarized.
9. That the agreement governs the division of property, assignment of debts and the issue of alimony.

***Third Cause of Action
Attorneys Fees***

10. The Petitioner incorporates, by reference, all preceding paragraphs as if set forth fully herein.
11. The Petitioner has been required to retain the services of an attorney to prosecute this matter.

12. That the Petitioner be awarded his reasonable attorneys fees and costs for having to bring this matter before the court.

WHEREFORE the Petitioner does pray as follows:

1. For an order declaring that the parties prenuptial agreement, under U.C.A. 30-8-1 et seq and the provisions contained therein govern the division of property, assignment of debt and payment of spousal support in the divorce proceedings before this court, case # 224905635.
2. For an award of Petitioner's reasonable attorney's fees and costs.
3. For such other and further relief as the court deems just.

DATED this 13th day of January, 2023.

/s/ James I. Watts
James I. Watts