

alimony agreement letter

alimony agreement letter is a crucial document that formalizes the financial arrangements between divorcing or separated spouses. This letter serves as a legally binding record, outlining the terms of spousal support, often referred to as alimony or maintenance. Understanding the intricacies of drafting and navigating an alimony agreement letter is essential for ensuring clarity, preventing future disputes, and securing financial stability during a challenging life transition. This comprehensive guide will delve into the purpose of such a letter, key components to include, factors influencing alimony amounts, the legal implications, and best practices for creating a sound agreement. We will explore how to effectively communicate these terms in an alimony agreement letter and what steps are involved in its finalization and enforcement.

- Understanding the Purpose of an Alimony Agreement Letter
- Key Components of a Comprehensive Alimony Agreement Letter
- Factors Influencing Alimony Calculations
- Legal Implications and Considerations
- The Drafting Process: Best Practices
- Enforcing and Modifying Your Alimony Agreement

Understanding the Purpose of an Alimony Agreement Letter

The primary purpose of an alimony agreement letter is to provide a clear, unambiguous, and legally recognized record of the spousal support arrangements between parties. This document serves as a cornerstone for financial arrangements following a divorce or separation, ensuring that both parties understand their rights and obligations regarding financial support. A well-drafted alimony agreement letter can prevent misunderstandings, reduce the likelihood of costly legal battles, and offer a sense of security to the recipient spouse. It acts as a definitive agreement that can be presented to a court for approval and future enforcement. The letter solidifies the understanding reached by the divorcing couple concerning financial contributions, whether it's a one-time payment, periodic installments, or a combination thereof. This clarity is paramount in navigating the complexities of post-divorce financial planning and stability.

Key Components of a Comprehensive Alimony

Agreement Letter

A robust alimony agreement letter must meticulously detail several critical elements to be legally sound and practically effective. Each component plays a vital role in defining the scope and duration of spousal support. Missing or poorly defined clauses can lead to disputes and legal complications down the line. It is imperative that the letter is comprehensive and leaves no room for ambiguity regarding the financial support obligations.

Parties Involved and Identification

Clearly identify both the payor (the spouse responsible for making alimony payments) and the recipient (the spouse receiving alimony). Full legal names, current addresses, and contact information should be included for both parties. This ensures there is no confusion as to who is obligated to pay and who is entitled to receive support.

Stipulation of Alimony and Amount

This section explicitly states that alimony will be paid and specifies the exact amount of each payment. The currency should be clearly indicated. Whether the amount is a fixed sum or calculated based on specific criteria must be detailed. This is the core of the agreement, defining the financial commitment.

Payment Schedule and Frequency

The letter must outline when payments are due and how frequently they will be made (e.g., weekly, bi-weekly, monthly). This includes the specific day of the month or week for each payment. Consistent and predictable payment schedules are crucial for the recipient's financial planning.

Duration of Alimony Payments

A critical aspect is defining how long alimony payments will continue. This can be for a set period (e.g., five years), until a specific event occurs (e.g., remarriage of the recipient, death of either party), or potentially for an indefinite period depending on the circumstances and state laws. Clarity on termination conditions is vital.

Method of Payment

Specify the preferred method of payment, such as direct deposit, check, or money order. This section can also include details about where payments should be sent or deposited. Agreeing on a convenient and reliable payment method can streamline the process for both parties.

Conditions for Modification or Termination

Outline the circumstances under which the alimony agreement might be reviewed, modified, or terminated. Common triggers include significant changes in income for either party, remarriage of the recipient, or death of either spouse. This foresight can prevent future legal disputes by pre-defining these scenarios.

Governing Law

Indicate which state's laws will govern the interpretation and enforcement of the alimony agreement. This is particularly important in cases where the spouses reside in different states or have connections to multiple jurisdictions.

Signatures and Date

The letter must be signed by both parties and dated. Witness signatures may also be required depending on state law and the wishes of the parties. This signifies their consent and agreement to the terms.

Factors Influencing Alimony Calculations

The determination of alimony is a complex process influenced by a variety of factors, and these are often considered when drafting the alimony agreement letter. While parties can agree to specific terms, courts will typically evaluate these elements if the matter goes before them. Understanding these factors provides context for the agreed-upon or court-ordered amounts and durations. The goal is to achieve a fair and equitable distribution of financial resources, considering the needs and abilities of both spouses.

Income and Earning Capacity of Each Spouse

The financial resources of both parties are a primary consideration. This includes current income, as well as the potential earning capacity of each spouse based on their education, skills, and employment history. The aim is to balance the financial disparity between the spouses.

Duration of the Marriage

Longer marriages are often associated with longer alimony durations or higher amounts, reflecting the sacrifices one spouse may have made to support the other's career or family life. Shorter marriages may result in limited or no alimony.

Standard of Living During the Marriage

Courts often strive to allow the recipient spouse to maintain a standard of living reasonably similar to that enjoyed during the marriage, particularly in long-term unions. This factor acknowledges the lifestyle established by the couple.

Age and Health of Each Spouse

The age and health of both individuals can significantly impact their ability to earn income and their financial needs. A spouse with significant health issues or who is nearing retirement age may require more substantial or extended support.

Contributions to the Marriage

This includes not only financial contributions but also non-monetary contributions such as homemaking, childcare, and supporting the other spouse's education or career development. These contributions are recognized as vital to the marital partnership.

Marital Misconduct (in some jurisdictions)

In certain states, marital misconduct, such as adultery or abandonment, can be a factor in determining alimony. However, many states have moved away from considering fault in alimony decisions.

Legal Implications and Considerations

An alimony agreement letter carries significant legal weight. It is not merely a social understanding but a legally binding contract that can have long-term consequences for both parties. Understanding these legal implications is crucial before drafting or signing such a document. Seeking legal counsel is highly recommended to ensure all aspects are addressed appropriately and in compliance with relevant laws.

Enforceability in Court

Once signed by both parties and often approved by a court, an alimony agreement letter becomes a court order. This means that if one party fails to comply with the terms, the other party can seek legal recourse through the court system for enforcement, which can include wage garnishment or other collection methods.

Tax Implications

Historically, alimony payments were often tax-deductible for the payor and taxable income for the

recipient. However, tax laws have changed, and for agreements executed after December 31, 2018, alimony payments are generally not deductible by the payor and not considered taxable income by the recipient at the federal level. It's essential to consult with a tax professional to understand the current tax implications based on your specific jurisdiction and the date of your agreement.

Modification of Agreements

While an alimony agreement letter aims for finality, circumstances can change. Many agreements include provisions for modification if there is a substantial and unforeseen change in circumstances, such as a significant job loss or a major health event. However, modifications are not guaranteed and typically require a court order.

Termination of Alimony

The agreement should clearly define the conditions under which alimony terminates. Common triggers include the death of either party, the remarriage of the recipient, or the end of a specified term. Without clear terms, disputes over termination can arise.

The Drafting Process: Best Practices

Crafting an effective alimony agreement letter requires careful consideration and a structured approach. Adhering to best practices ensures that the document is clear, comprehensive, and legally sound. Collaboration and open communication between spouses, ideally with the guidance of legal professionals, can lead to a more amicable and durable agreement.

Seek Legal Counsel

It is highly advisable for both parties to have their own independent legal representation. Attorneys can explain the legal ramifications of the agreement, ensure it complies with state laws, and protect each spouse's interests. This is particularly important if there is a significant disparity in income or assets.

Be Specific and Clear

Avoid vague language. Every term, amount, date, and condition should be stated with absolute clarity. Ambiguity can lead to misinterpretations and disputes, negating the purpose of a written agreement.

Consider Future Scenarios

Think about potential future events that could impact the alimony arrangement. While it's impossible to predict everything, including clauses for common scenarios like job loss, relocation, or changes in

health can save a lot of trouble later.

Review and Understand

Before signing, both parties should thoroughly read and understand every aspect of the agreement. If anything is unclear, ask for clarification from your attorney or the other party's attorney. Do not sign anything you do not fully comprehend.

Keep Records

Maintain copies of the signed alimony agreement letter and all subsequent payment records. These documents are crucial for reference and in the event of any future disputes or legal actions.

Enforcing and Modifying Your Alimony Agreement

Once an alimony agreement letter is finalized, its enforcement and potential modification become important considerations. Life is unpredictable, and situations that necessitate changes to the original agreement can arise. Understanding the procedures for both enforcement and modification is key to managing spousal support effectively over time.

Enforcement Procedures

If the payor spouse fails to make the agreed-upon alimony payments, the recipient spouse has legal avenues for enforcement. This typically involves filing a motion with the court that issued the original order. The court can then order various enforcement measures, such as wage garnishment, seizing assets, or even holding the non-compliant party in contempt of court.

Modification Process

Modifying an alimony agreement usually requires a substantial change in circumstances for either the payor or the recipient. This could include a significant increase or decrease in income, job loss, the recipient's remarriage, or a significant change in health. A formal request must be made to the court, and evidence must be presented to demonstrate the necessity of the modification. The court will then review the request and decide whether to grant or deny the modification.

Frequently Asked Questions

What is an alimony agreement letter and why is it important?

An alimony agreement letter is a legally binding document that outlines the terms of spousal support payments between divorcing or separated individuals. It's crucial because it clarifies the amount,

duration, and frequency of payments, preventing future disputes and ensuring both parties understand their obligations and rights.

What essential information should an alimony agreement letter include?

Key information includes the full names of both parties, the court case number (if applicable), the exact amount of alimony, the payment schedule (e.g., weekly, monthly), the start and end dates of payments (or conditions for termination), the method of payment, and any provisions for modification or termination due to specific circumstances like remarriage or death.

Can an alimony agreement letter be modified after it's signed?

Yes, alimony agreements can often be modified. However, modifications typically require a significant change in circumstances for either party, such as a substantial increase or decrease in income, disability, or remarriage. The process usually involves filing a motion with the court or reaching a new written agreement signed by both parties and potentially notarized.

What happens if one party fails to adhere to the alimony agreement letter?

If one party fails to make alimony payments as agreed, the other party can seek legal recourse. This may involve filing a motion for contempt of court, which can lead to wage garnishment, liens on property, or even jail time in severe cases. Enforcement mechanisms are typically outlined within the original agreement or by court order.

How does remarriage affect an alimony agreement letter?

In many jurisdictions, the remarriage of the recipient of alimony will automatically terminate or significantly alter the alimony payments. The specific terms are usually addressed in the agreement itself, but state laws often dictate this outcome. The payer should consult with an attorney to understand the implications.

What's the difference between alimony and child support in an agreement letter?

Alimony, or spousal support, is financial assistance provided to a former spouse. Child support, on the other hand, is financial assistance for the upbringing and care of children. While both can be included in divorce decrees, they are distinct legal obligations with different purposes and calculation methods.

Should I consult with a lawyer before signing an alimony agreement letter?

Absolutely. It is highly recommended to consult with an experienced family law attorney before signing any alimony agreement letter. An attorney can explain your rights and obligations, ensure the agreement is fair and legally sound, and help you understand the long-term implications of the terms.

Can an alimony agreement letter be informal, like an email exchange?

While an informal exchange might express intent, it is generally not legally binding as a formal alimony agreement. For an agreement to be enforceable, it typically needs to be in writing, clearly outline all terms, and be signed by both parties. Many jurisdictions also require court approval or notarization for full legal validity. Relying on informal communication can lead to significant legal problems.

Additional Resources

Here are 9 book titles related to alimony agreements, with short descriptions:

1. The Alimony Accord: Negotiating Your Post-Marital Financial Future

This book delves into the complexities of alimony negotiations, offering practical strategies for individuals seeking to establish or understand their financial obligations and entitlements. It provides insights into common pitfalls, legal precedents, and the emotional aspects of reaching a fair and sustainable alimony agreement. Readers will learn how to approach discussions with their former spouse or legal counsel from a position of informed confidence.

2. Divorce and Dependents: Crafting Equitable Alimony and Child Support Agreements

Focusing on the intertwined nature of spousal and child support, this guide helps readers navigate the often-challenging process of creating comprehensive divorce settlements. It examines the legal frameworks and practical considerations for calculating fair alimony payments, taking into account the needs of children. The book aims to empower individuals to reach agreements that prioritize the well-being of the entire family post-divorce.

3. Financial Forensics: Unpacking Alimony Calculations and Documentation

This title offers a deep dive into the financial aspects of alimony, equipping readers with the tools to understand and scrutinize calculations. It explains the various factors that influence alimony awards, such as income, assets, debts, and earning capacity. The book emphasizes the importance of thorough documentation and how to effectively present financial information during alimony negotiations or legal proceedings.

4. Mediating Matrimonial Matters: Achieving Alimony Resolution Through Collaboration

This resource explores the benefits of mediation as a conflict-resolution method for alimony disputes. It provides practical advice on how to engage constructively in mediation sessions, fostering open communication and mutual understanding. The book guides readers through the process of reaching mutually agreeable alimony terms outside of a courtroom, promoting a more amicable and efficient resolution.

5. The Alimony Endgame: Strategies for Long-Term Financial Stability Post-Divorce

This book is designed for those looking beyond the initial alimony agreement, focusing on long-term financial planning and sustainability. It addresses topics such as modifying alimony, managing income changes, and making informed investment decisions to ensure financial security. Readers will find strategies for adapting to evolving financial circumstances and effectively navigating the ongoing realities of alimony.

6. Navigating the Alimony Landscape: Legal Rights and Responsibilities

This comprehensive guide outlines the legal framework surrounding alimony, clarifying the rights and responsibilities of both payers and recipients. It explains different types of alimony, duration, and the factors courts consider when making decisions. The book serves as an essential resource for understanding the legal nuances and implications of alimony agreements.

7. Crafting the Alimony Clause: Drafting Effective Agreements with Clarity and Precision

This title focuses on the practical drafting of alimony clauses within separation agreements or divorce decrees. It offers examples and best practices for ensuring that alimony terms are clear, unambiguous, and legally sound. The book aims to help individuals and their legal representatives create agreements that minimize future disputes and accurately reflect the intended financial arrangements.

8. The Alimony Handbook for Beginners: Understanding Your Rights and Obligations

Designed for individuals new to the concept of alimony, this book breaks down complex legal and financial jargon into easily understandable terms. It provides a foundational understanding of what alimony is, why it's awarded, and how it impacts both parties. The handbook serves as a helpful starting point for anyone facing a divorce and needing to grasp the fundamentals of alimony.

9. Post-Divorce Finance: Mastering Alimony, Property Division, and Estate Planning

This book takes a holistic approach to financial planning after divorce, with a significant focus on alimony. It integrates alimony considerations with other crucial post-divorce financial matters, such as property division and estate planning. Readers will learn how to create a comprehensive financial strategy that accounts for alimony obligations and opportunities, ensuring a secure financial future.

[Alimony Agreement Letter](#)

Understanding and Negotiating Alimony Agreement Letters: A Comprehensive Guide

This ebook delves into the intricacies of alimony agreement letters, exploring their legal significance, negotiation strategies, and the crucial elements for ensuring a fair and enforceable agreement. It will equip readers with the knowledge and tools necessary to navigate this complex area of family law, whether they're seeking to create, review, or modify an existing agreement.

Ebook Title: Navigating the Maze: A Practical Guide to Alimony Agreement Letters

Contents:

Introduction: Defining Alimony and the Importance of a Written Agreement.

Chapter 1: Types of Alimony and Their Implications: Exploring different alimony arrangements (permanent, temporary, rehabilitative, etc.) and their impact on the agreement.

Chapter 2: Key Elements of a Strong Alimony Agreement: Essential clauses, including payment amounts, duration, modification clauses, and tax implications.

Chapter 3: Negotiation Strategies and Tactics: Tips for effective communication, compromise, and

achieving a mutually agreeable outcome.

Chapter 4: Legal Considerations and Enforcement: Understanding the legal ramifications of breach of contract and the process of enforcing the agreement.

Chapter 5: Modifying or Terminating an Alimony Agreement: Circumstances under which modifications are possible and the legal procedures involved.

Chapter 6: Seeking Legal Counsel and Representation: The importance of legal advice during negotiation and the role of attorneys.

Chapter 7: Case Studies and Real-World Examples: Illustrative scenarios highlighting successful and unsuccessful alimony agreements.

Conclusion: Recap of key takeaways and future considerations.

Introduction: Defining Alimony and the Importance of a Written Agreement. This section establishes the context of alimony within the broader legal framework of divorce and separation, emphasizing the critical role of a written agreement in avoiding future disputes and ensuring clarity regarding financial obligations. It will clearly define alimony (also known as spousal support or maintenance) and its various forms.

Chapter 1: Types of Alimony and Their Implications: This chapter will detail the different types of alimony—permanent, temporary, rehabilitative, and lump-sum—explaining their characteristics, duration, and the factors influencing their award. It will analyze the implications of each type on the financial stability of both parties involved.

Chapter 2: Key Elements of a Strong Alimony Agreement: This chapter will delve into the essential components of a legally sound and enforceable alimony agreement. This includes the specific details of payment amounts, payment schedules, the duration of the alimony payments, provisions for modification or termination, and the crucial aspects concerning tax implications for both parties. It will also discuss the inclusion of clauses addressing potential changes in circumstances, such as job loss or remarriage.

Chapter 3: Negotiation Strategies and Tactics: This chapter will provide practical advice and strategies for navigating the negotiation process. This includes emphasizing effective communication, understanding the other party's perspective, exploring compromise options, and considering the use of mediation or arbitration to resolve disagreements amicably. It will also address power dynamics and strategies for achieving a fair outcome.

Chapter 4: Legal Considerations and Enforcement: This chapter explores the legal aspects of alimony agreements, focusing on the enforceability of the contract under the relevant jurisdiction's laws. It will discuss the consequences of breach of contract, the methods available for enforcing the agreement (such as contempt of court proceedings), and the role of legal professionals in these processes.

Chapter 5: Modifying or Terminating an Alimony Agreement: This chapter covers the circumstances under which an alimony agreement might be modified or terminated. It will explain the legal procedures involved in seeking such modifications, including demonstrating a substantial change in circumstances and navigating the legal process.

Chapter 6: Seeking Legal Counsel and Representation: This chapter stresses the importance of seeking professional legal advice throughout the entire process of negotiating and finalizing an alimony agreement. It outlines the role of attorneys in protecting their client's interests and ensuring a fair and enforceable agreement is reached.

Chapter 7: Case Studies and Real-World Examples: This chapter will present real-life examples of alimony agreements, both successful and unsuccessful, to illustrate the practical application of the concepts discussed. These examples will highlight common pitfalls to avoid and best practices for effective negotiation.

Conclusion: Recap of Key Takeaways and Future Considerations. This section summarizes the main points covered in the ebook, offering a concise overview of the essential elements of a successful alimony agreement and reiterating the importance of seeking legal counsel. It will also provide guidance on future considerations and potential challenges that may arise.

FAQs

1. What is the difference between temporary and permanent alimony? Temporary alimony is awarded for a specified period, often during a transition phase after separation, while permanent alimony continues indefinitely unless certain conditions are met.
2. Can an alimony agreement be modified after it's signed? Yes, but only if there's a significant change in circumstances, such as a substantial change in income or a major health issue.
3. What happens if one party fails to comply with the alimony agreement? The non-complying party can face legal consequences, including wage garnishment or contempt of court charges.
4. Are alimony payments tax deductible? In some cases, alimony payments may be tax deductible for the payer and taxable income for the recipient. Tax laws vary by jurisdiction, so professional tax advice is essential.
5. What factors do courts consider when determining alimony amounts? Courts consider factors like the length of the marriage, the earning capacity of each spouse, the standard of living during the marriage, and the needs of each party.
6. Can I negotiate an alimony agreement without lawyers? While possible, it's strongly recommended to have legal representation to protect your interests and ensure a fair agreement.
7. What is the role of mediation in alimony negotiations? Mediation can provide a less adversarial way to reach an agreement, helping both parties to find common ground.
8. How long does it typically take to finalize an alimony agreement? The timeline varies depending on the complexity of the case and the parties' willingness to cooperate.
9. What happens if I disagree with the terms of the proposed alimony agreement? You may need to seek legal counsel and potentially pursue litigation to resolve the dispute.

Related Articles:

1. **Understanding the Tax Implications of Alimony:** This article explores the tax consequences of receiving and paying alimony, detailing the relevant tax laws and regulations.
2. **Negotiating Alimony: A Step-by-Step Guide:** This article provides a practical step-by-step guide on how to successfully negotiate an alimony agreement.
3. **Modifying an Alimony Agreement: Legal Procedures and Requirements:** This article details the legal steps required to modify an existing alimony agreement.
4. **The Role of Mediation in Divorce and Alimony Cases:** This article explores the use of mediation in resolving alimony disputes.
5. **Common Mistakes to Avoid When Negotiating Alimony:** This article highlights frequent errors made during alimony negotiations and offers strategies for avoiding them.
6. **Enforcing Alimony Agreements: Legal Remedies and Procedures:** This article covers the legal options available to enforce an alimony agreement if one party fails to comply.
7. **Alimony and Remarriage: Understanding the Implications:** This article examines how remarriage can impact existing alimony agreements.
8. **Alimony and Domestic Violence: Legal Considerations:** This article discusses the legal considerations for cases involving domestic violence.
9. **The Impact of Alimony on Retirement Planning:** This article addresses the long-term financial implications of alimony on retirement plans.

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alimony agreement letter: The Tennessee Divorce Client's Handbook Miles Mason Sr, 2019-04-19 IF YOU'RE GOING THROUGH A DIVORCE, YOU NEED A FRIEND AND A GUIDE Divorce can be intimidating, but you don't have to go through it alone. Miles Mason, Sr. set out to create the ultimate handbook to help a spouse through the divorce process. To that end, this book addresses a variety of topics that the compassionate professionals of the Miles Mason Family Law Group know best, including advice needed to get the learning process started, hiring your divorce team, custody and parenting plans, and how courts view dating during separation. The book is easy to read, and will be a valuable tool as you find your way through the divorce process. Miles Mason, Sr. JD, CPA is a divorce lawyer in Memphis, Tennessee. Mason is recognized as a Tennessee Super Lawyer and was awarded a Superb (10/10) rating on Avvo. Frequently interviewed by television news and national media for commentary, Inside Memphis Business named Mason a Family Law Power Player, and the Memphis Bar Foundation honored him as a fellow. He has also been inducted into the Christian Brothers High School Hall of Fame for his community service. You can find additional information, as well as updates to this book, at MemphisDivorce.com and its Tennessee Family Law Blog. You don't have to go it alone.

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alimony agreement letter: The Dolphin Letters, 1970-1979 Elizabeth Hardwick, Robert Lowell, 2019-12-10 The correspondence between one of the most famous couples of twentieth-century literature The Dolphin Letters offers an unprecedented portrait of Robert Lowell and Elizabeth Hardwick during the last seven years of Lowell's life (1970 to 1977), a time of personal crisis and creative innovation for both writers. Centered on the letters they exchanged with each other and with other members of their circle—writers, intellectuals, friends, and publishers, including Elizabeth Bishop, Caroline Blackwood, Mary McCarthy, and Adrienne Rich—the book has the narrative sweep of a novel, telling the story of the dramatic breakup of their twenty-one-year marriage and their extraordinary, but late, reconciliation. Lowell's controversial sonnet-sequence

The Dolphin (for which he used Hardwick's letters as a source) and his last book, *Day by Day*, were written during this period, as were Hardwick's influential books *Seduction and Betrayal: Essays on Women in Literature* and *Sleepless Nights: A Novel*. Lowell and Hardwick are acutely intelligent observers of marriages, children, and friends, and of the feelings that their personal crises gave rise to. The *Dolphin Letters*, masterfully edited by Saskia Hamilton, is a debate about the limits of art—what occasions a work of art, what moral and artistic license artists have to make use of their lives as material, what formal innovations such debates give rise to. The crisis of Lowell's *The Dolphin* was profoundly affecting to everyone surrounding him, and Bishop's warning to Lowell—"art just isn't worth that much"—haunts.

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on deep archival research from across the former Soviet Union, they analyse the wide network of state institutions that were used for regulating individual behaviour and how Soviet citizens interacted with them. Together they show that social control in the Soviet Union was not entirely about the monolithic state imposing its vision with violent force. Instead, a wide range of institutions such as the police, the justice system, and party-sponsored structures in factories and farms tried to enforce control. The book highlights how the state leadership itself adjusted its policing strategies and moved away from mass repression towards legal pressure for policing society. Ultimately, Social Control under Stalin and Khrushchev explores how the Soviet state controlled the behaviour of its citizens and how the people relied on these structures.

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