

CHAPTER 519

MARRIED PERSONS; RIGHTS, PRIVILEGES

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519.01 SEPARATE LEGAL EXISTENCE.

Women shall retain the same legal existence and legal personality after marriage as before, and every married woman shall receive the same protection of all her rights as a woman which her husband does as a man, including the right to appeal to the courts in her own name alone for protection or redress; but this section shall not confer upon the wife a right to vote or hold office, except as is otherwise provided by law.

History: *RL s 3605 (8616)*

519.02 PROPERTY RIGHTS.

All property, real, personal, and mixed, and all choses in action, owned by any woman at the time of her marriage, shall continue to be her separate property, notwithstanding such marriage; and any married woman, during coverture, may receive, acquire, and enjoy property of every description, and the rents, issues, and profits thereof, and all avails of her contracts and industry, free from the control of her husband, and from any liability on account of his debts, as fully as if she were unmarried.

History: *RL s 3606 (8617)*

519.03 RESPONSIBLE FOR TORTS AND BOUND BY CONTRACT.

Every married woman is bound by her contracts and responsible for her torts, and her property shall be liable for her debts and torts to the same extent as if unmarried. She may make any contract which she could make if unmarried, and shall be bound thereby, except that every conveyance and contract for the sale of her real estate or any interest therein, shall be subject to and governed by the provisions of section 507.02.

History: *RL s 3607; 1905 c 255; 1907 c 417 s 1 (8618)*

519.04 PROPERTY ACQUIRED BY WIFE DURING SEPARATION; CONVEYANCES.

All property, real and personal, acquired by any woman in her own name during any period of time in which she shall have been or may hereafter be legally separated from her husband by a decree of any court of this state, shall be and remain her separate property during the continuance of such separation and any such real property may be conveyed by her without her husband joining in the deed of conveyance and all such property may be conveyed, sold, and disposed of by her without her husband joining with her in the conveyance thereof, and any and all conveyances of such property heretofore made are hereby declared legal and valid and the same and all such are declared valid.

History: *1913 c 237 s 1 (8619)*

519.05 LIABILITY OF HUSBAND AND WIFE.

No married woman shall be liable for any debts of her husband, nor shall any married man be liable for any torts, debts, or contracts of his wife, committed or entered into either before or during coverture, except for necessaries furnished to the wife after marriage, where he would be liable at common law. Where husband and wife are living together, they shall be jointly and severally liable for all necessary household articles and supplies furnished to and used by the family.

History: *RL s 3608 (8620)*

519.06 CONTRACTS BETWEEN HUSBAND AND WIFE.

No contract between husband and wife relative to the real estate of either, or any interest therein, nor any power of attorney or other authority from the one to the other to convey real estate, or any interest therein, shall be valid, except as provided in section 500.19, subdivision 4; but, in relation to all other subjects, either may be constituted the agent of the other, or contract with the other. In all cases where the rights of creditors or purchasers in good faith come in question, each spouse shall be held to have notice of the contracts and debts of the other as fully as if a party thereto.

History: *RL s 3609; 1979 c 123 s 6 (8621)*

519.07 BARRING INTEREST OF SPOUSE; RIGHTS RECIPROCAL.

When a married man shall be deserted by his wife, or a married woman shall be deserted by her husband, for the space of one year, or when he or she would, for any cause, be entitled to a divorce from such husband or wife under the laws of this state, or when he or she has a husband or wife that has been insane for ten years immediately prior to the time of bringing the action hereinafter named, and upon the hearing thereof shall be found to be incurably insane, he or she may bring an action in the district court of the proper county, asking for a decree which shall debar him or her so deserting or furnishing grounds for a divorce, or so found to be incurably insane, as aforesaid, from any right or estate by the curtesy or in dower, or otherwise, as the case may be, in or to his or her lands, and which will give such husband or wife full authority to alien, sell, and convey, and dispose of his or her lands, without the interference of or signature of the husband or wife so deserting, or being guilty of acts which would entitle the person bringing such action to a divorce, or so found to be incurably insane, as aforesaid; and the court may grant such decree when it shall appear just or expedient; and thereupon the husband or wife shall have full control of his or her real estate, with power to convey the same without the husband or wife joining in the conveyance, and as fully as if he or she were unmarried; or the court may, by such decree, make such limitations on the power to convey such real estate as may seem meet and proper in the premises. A certified copy of such decree may be recorded in the deed records in the office of the county recorder in any county wherever such lands, or any part thereof, may be situated.

History: *RL s 3610; 1976 c 181 s 2 (8622)*

519.08 [Repealed, 1979 c 67 s 2]**519.09 DOWER AND CURTESY ABOLISHED.**

All inchoate estates or statutory interests in lieu of dower and curtesy in all lands in this state which have been conveyed prior to January 1, 1960, by the husband or wife of the one entitled to such inchoate dower or curtesy, or statutory interest, by a conveyance in writing, are hereby abolished.

History: 1925 c 174 s 1; 1939 c 152 s 1; 1949 c 308 s 1; 1957 c 375 s 1; 1965 c 772 s 1; 1973 c 12 s 1 (8622-1)

519.10 [Repealed, 1971 c 25 s 88]

519.101 ACTIONS NOT MAINTAINABLE.

No action for the recovery of real property, or of any right therein, or the possession thereof, shall be maintained by any person having any estate in dower or by the curtesy or any estate or statutory interest in lieu of dower or by the curtesy therein, or by anyone claiming, by, through or under any such person, where it appears that the husband or wife of such person conveyed such real property, or any interest therein, by a conveyance in writing, prior to the first day of January, 1960; and no action shall be maintained for the recovery of real property, or of any right therein, or the possession thereof, by any person claiming by reason of failure of a spouse to join in a conveyance of land which constituted the homestead of the grantor at the time of the conveyance where such conveyance was made prior to January 1, 1960, unless such action shall be commenced on or prior to the first day of January, 1974, and notice thereof filed for record at the time of the commencement of said action in the office of the county recorder in the county where said real property is situate.

History: 1949 c 308 s 2; 1957 c 375 s 2; 1965 c 772 s 2; 1973 c 12 s 2; 1976 c 181 s 2

519.11 ANTENUPTIAL CONTRACT.

Subdivision 1. A man and woman of legal age may enter into an antenuptial contract or settlement prior to solemnization of marriage which shall be valid and enforceable if (a) there is a full and fair disclosure of the earnings and property of each party, and (b) the parties have had an opportunity to consult with legal counsel of their own choice. An antenuptial contract or settlement made in conformity with this section may determine what rights each party has in the nonmarital property, defined in section 518.54, subdivision 5, clauses (a) to (d), upon dissolution of marriage, legal separation or after its termination by death and may bar each other of all rights in the respective estates not so secured to them by their agreement. This section shall not be construed to make invalid or unenforceable any antenuptial agreement or settlement made and executed in conformity with this section because the agreement or settlement covers or includes marital property, if the agreement or settlement would be valid and enforceable without regard to this section.

Subd. 2. Antenuptial contracts or settlements shall be in writing, executed in the presence of two witnesses and acknowledged by the parties, executing the same before any officer or person authorized to administer an oath under the laws of this state. The agreement must be entered into and executed prior to the day of solemnization of marriage.

Subd. 3. An antenuptial contract or settlement which by its terms conveys or determines what rights each has in the other's real property and sets forth the legal description of the real estate granted or affected by the agreement may be filed or recorded in every county where any real estate so described is situated, in the office of the county recorder for the county or in any public office authorized to receive a deed, assignment or other instrument affecting the real estate, for filing or recording.

Subd. 4. Any antenuptial contract or settlement not recorded in the office of the county recorder or other public office authorized to receive the document, where the real property is located, shall be void as against any subsequent purchaser in good faith and for a valuable consideration of the same real property, or any part thereof, whose conveyance is first duly recorded, and as against

any attachment levied thereon or any judgment lawfully obtained at the suit of any party against the person in whose name the title to the property appears of record prior to recording of the conveyance.

Subd. 5. An antenuptial contract or settlement duly acknowledged and attested shall be prima facie proof of the matters acknowledged therein and as to those matters, the burden of proof shall be and rest upon the person contesting the same.

Subd. 6. This section shall apply to all antenuptial contracts and settlements executed on or after August 1, 1979.

Subd. 7. Nothing in sections 519.01 to 519.101, shall be construed to affect antenuptial contracts or settlements.

History: 1979 c 67 s 1; 1980 c 509 s 176