RIGHTS AND LIABILITY OF MARRIED WOMEN
Act 216 of 1981

AN ACT to provide for the rights and liabilities of married women with respect to certain real and personal property; to abrogate the common law disabilities of married women with respect to certain contracts; to prescribe the payment and satisfaction of judgments rendered upon certain written contracts; and to repeal certain acts and parts of acts.

History: 1981, Act 216, Eff. Mar. 31, 1982.

The People of the State of Michigan enact:

557.21 Status of property acquired by woman before or after marriage; earnings of married woman.

Sec. 1. (1) If a woman acquires real or personal property before marriage or becomes entitled to or acquires, after marriage, real or personal property through gift, grant, inheritance, devise, or other manner, that property is and shall remain the property of the woman and be a part of the woman's estate. She may contract with respect to the property, sell, transfer, mortgage, convey, devise, or bequeath the property in the same manner and with the same effect as if she were unmarried. The property shall not be liable for the debts, obligations, or engagements of any other person, including the woman's husband, except as provided in this act.

(2) A married woman has the absolute right to have, hold, own, retain, and enjoy earnings acquired by the married woman as the result of her personal efforts and those earnings shall be considered the property of the married woman as described in subsection (1).

History: 1981, Act 216, Eff. Mar. 31, 1982.

557.22 Trustee for married woman; conveyance of property for use and benefit of married woman.

Sec. 2. A person who holds as a trustee for a married woman, real or personal property under a deed or conveyance or otherwise, may convey to the married woman, by deed or otherwise, all or any portion of the property or the rents or profits of the property for the sole and separate use and benefit of the married woman.

History: 1981, Act 216, Eff. Mar. 31, 1982.

557.23 Common law disability of married women to contract abrogated.

Sec. 3. The common law disability of married women to make and enter into a contract is abrogated.

History: 1981, Act 216, Eff. Mar. 31, 1982.

557.24 Contract by married woman; liability of husband for breach of contract.

Sec. 4. (1) A married woman may enter into a contract with respect to her separate property as described in section 1. She may bring an action to enforce the contract, recover damages for breach of the contract, or seek other remedy with respect to the contract as provided by law. The married woman shall be personally liable upon the contract and a judgment entered against the woman may be satisfied out of the separate property as described in section 1.

(2) The husband of a married woman shall not be liable for breach of a contract which was entered into by the married woman and which relates to the separate property of the married woman as provided in subsection (1) unless the husband acted as a surety, co-signor, or guarantor on the contract.

History: 1981, Act 216, Eff. Mar. 31, 1982.

557.25 Married woman as surety for debt or obligation of other person; judgment against married woman; satisfaction.

Sec. 5. A married woman may act as a surety for the debt or obligation of another person, including the debt of her husband, by signing a written instrument providing for the suretyship. A judgment entered against the married woman as a surety may be satisfied out of her separate property as described in section 1, whether or not the contract of suretyship benefits or concerns that separate property.

History: 1981, Act 216, Eff. Mar. 31, 1982.

557.26 Pledge or assignment by married woman of interest in separate property as security for debt of other person; contract by married woman giving general guarantee; satisfaction of judgment.

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Sec. 6. (1) A married woman may enter into a written contract pledging or assigning her interest in her separate property, as described in section 1, as security for the debt of another person, including the debt of her husband. If a married woman signs a written contract pledging or assigning an interest in her separate property as security for the debt of another person or her husband, a judgment rendered for payment of the debt may be satisfied out of that separate property whether or not the separate property derives a benefit from the pledge or assignment.

(2) A married woman may enter into a written contract giving a general guarantee obligating her personally for the debt of another person, including the debt of her husband. If the married woman signs such a written contract, a judgment rendered for payment of the debt may be satisfied out of any of the separate property of the married woman described in section 1, whether or not the separate property derives a benefit from the general guarantee.

History: 1981, Act 216, Eff. Mar. 31, 1982.

557.27 Married woman entering contract jointly or severally with other person.

Sec. 7. A married woman may enter into a written contract jointly or severally with another person.

History: 1981, Act 216, Eff. Mar. 31, 1982.

557.28 Contract relating to property made in contemplation of marriage.

Sec. 8. A contract relating to property made between persons in contemplation of marriage shall remain in full force after marriage takes place.

History: 1981, Act 216, Eff. Mar. 31, 1982.

557.29 Repeal of MCL 557.1 to 557.5, 557.11, and 557.51 to 557.55.

Sec. 9. The following acts and parts of acts are repealed:

(a) Act No. 168 of the Public Acts of 1855, being sections 557.1 to 557.5 of the Compiled Laws of 1970.

(b) Act No. 196 of the Public Acts of 1911, being section 557.11 of the Compiled Laws of 1970.

(c) Act No. 158 of the Public Acts of 1917, being sections 557.51 to 557.55 of the Compiled Laws of 1970.

History: 1981, Act 216, Eff. Mar. 31, 1982.

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