

# Michigan has changed... lawmakers ax 171-year-old widow real estate law. Dower Rights have changed...

- On January 6, 2017, Governor Snyder signed into law the package of bills, SB 558 and SB 560, that abolish dower rights in the State of Michigan.
- The newly signed bills, SB 558 and SB 560, abolish a wife's dower right in both statute and common law.
- The Dower law was officially off the books on April 7, 2017.
- The bills do apply the right of dower to a surviving widow whose husband / spouse passed away prior to the effective date of the bills.
- Dower rights ensure that surviving widows get some portion of their husband's / spouse's estate.
- Note that Dower Rights may not be applicable to every surviving widow.
- Note Dower Rights may apply to both parties in a marriage or not apply to any parties in a marriage, depending on their gender.

If you have questions, concerns, or need more information - Let us know...

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## Dower Rights have changed... So now “Who Signs”?

<i><b>TITLE HELD AS:</b></i>	<i><b>WHO SIGNS MORTGAGE?</b></i>	<i><b>SELLING PROPERTY?</b></i>
1. <i>Husband &amp; Wife</i>	1. <i>Husband &amp; Wife</i>	1. <i>Husband &amp; Wife</i>
2. <i>Tenancy by the Entireties</i>	2. <i>Both spouses - A married couple in title, whether it is a man and a women, two men, or two women, we will accept the premise that they hold title as tenants by the entireties, unless otherwise specified.</i>	2. <i>Tenancy by the Entireties</i>
3. <i>Joint Tenants</i>	3. <i>Joint Tenants only, <u>Unless</u> the Property is the Homestead of the spouse of a joint tenant, in which case that spouse must also sign mortgage.</i>	3. <i>Joint Tenants</i>
4. <i>Tenants in Common</i>	4. <i>Tenants in Common</i>	4. <i>Tenants in Common</i>
5. <i>Man Alone</i>	5. <i>Man &amp; Spouse, if Married <u>If</u> Married and the property IS their homestead*</i>	5. <i>Man Alone</i>
6. <i>Woman Alone</i>	6. <i>Woman &amp; Spouse, if Married <u>If</u> Married and the property IS their homestead*</i>	6. <i>Woman Alone</i>

*NOTE: In situations 5 & 6, **ONLY** the party in title signs the promissory note and closing documents.*

*\*It is, however, safer to have the spouse sign no matter what the customer tells you about the property being their homestead. The reason the “non-borrowing spouse” would sign the mortgage is to acknowledge the lien the borrowing spouse is putting on the property in a transaction that is NOT a purchase money mortgage and would therefore be subject to the non-borrowing spouse’s Dower rights AND by signing is subordinating that Dower right to the new refinance lender. In addition, the non-borrowing spouse is acknowledging the lien, so that they cannot claim after the execution of the refinance mortgage that they were unaware of a lien being placed against their “homestead” (primary residence) property should they decide to later file bankruptcy.*

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