



## House Republican Staff Analysis

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Bill: HF 517/SF400  
Committee: Judiciary  
Date: 3/22/2011  
Member: Rep. Baltimore  
Staff: Amanda Freel (1-5230)

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### Summary

A conveyance or encumbrance that is not signed by one spouse is not automatically invalid. The nonsigning spouse must take action to invalidate the conveyance or encumbrance.

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### Summary of Action

- Subcommittee 2/22/2010
  - Committee 3/1/2011 (17-4)
  - Passed House, amended to SF400 3/22/11 (94-3)
  - Signed by Governor 3/30/11
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### Section-by-Section Analysis

#### Section I Conveyance or Encumbrance §561.13

1. The Conveyance or encumbrance is not invalid if any of the following apply:
    - a. Nonsigning spouse interest is terminated by a divorce or other order of the court
    - b. If 614.15 Spouse failing to join in conveyance or 614.15 Spouse failing to join in conveyance applies.
    - c. Voiding the conveyance or encumbrance would unjustly enrich the nonsigning spouse
- Subsection 3 Conveyance is not valid if:
- a. Nonsigning spouse interest is terminated by divorce or order of the court.
  - b. Nonsigning spouse right of recovery is barred by §614.15
  - c. Encumbrance is a purchase money mortgage as defined in §6654.12B
  - d. Court in equity enters a decree invalidating conveyance or it would directly or indirectly unjustly enrich the nonsigning spouse
  - e. Nonsigning spouse- one who has not executed an encumbrance or a power of attorney for the execution of a like instrument.