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CHAPTER 5

Property Rights of Married Women

**SECTION 20‑5‑10.** Powers of wife as to property and contracts generally.

A married woman may purchase any species of property in her own name and take proper legal conveyances therefor and may bind herself by contract in the same manner and to the same extent as though she were unmarried. All such contracts shall be legal and obligatory and may be enforced at law or in equity by or against such married woman in her own name, apart from her husband.

HISTORY: 1962 Code Section 20‑201; 1952 Code Section 20‑201; 1942 Code Section 8575; 1932 Code Section 8575; Civ. C. ‘22 Section 5540; Civ. C. ‘12 Section 3761; Civ. C. ‘02 Section 2668; G. S. 2037; R. S. 2167; 1897 (20) 1121; Const. 1895 Art. 17 Section 9.

**SECTION 20‑5‑20.** Power of wife to convey, bequeath, and devise separate property; descent.

A married woman shall have power to bequeath, devise or convey her separate property in the same manner and to the same extent as if she were unmarried and, dying intestate, her property shall descend in the same manner as the law provides for the descent of the property of husbands. All deeds, mortgages and legal instruments of whatever kind shall be executed by her in the same manner and have the same legal force and effect as if she were unmarried.

HISTORY: 1962 Code Section 20‑202; 1952 Code Section 20‑202; 1942 Code Section 8574; 1932 Code Section 8574; Civ. C. ‘22 Section 5539; Civ. C. ‘12 Section 3760; Civ. C. ‘02 Section 2667; G. S. 2036; R. S. 2166; 1870 (14) 325.

**SECTION 20‑5‑30.** Wife’s property is not subject to husband’s debts.

The real and personal property of a married woman, whether held by her at the time of her marriage or accrued to her thereafter, either by gift, grant, inheritance, devise, purchase or otherwise, shall not be subject to levy and sale for her husband’s debts but shall be her separate property.

HISTORY: 1962 Code Section 20‑203; 1952 Code Section 20‑203; 1942 Code Section 8572; 1932 Code Section 8572; Civ. C. ‘22 Section 5537; Civ. C. ‘12 Section 3758; Civ. C. ‘02 Section 2665; G. S. 2035; R. S. 2164; 1870 (14) 325.

**SECTION 20‑5‑40.** Earnings and income of married women.

All the earnings and income of a married woman shall be her own separate estate and shall be governed by the same provisions of law as apply to her other separate estate.

HISTORY: 1962 Code Section 20‑204; 1952 Code Section 20‑204; 1942 Code Section 8573; 1932 Code Section 8573; Civ. C. ‘22 Section 5538; Civ. C. ‘12 Section 3759; Civ. C. ‘02 Section 2666; R. S. 2165; 1887 (19) 819.

**SECTION 20‑5‑50.** Requisites of marriage contracts, deeds, and settlements.

All marriage contracts, deeds and settlements shall therein describe, specify and particularize the real and personal estate thereby intended to be included, comprehended, conveyed and passed or shall have a schedule thereto annexed containing a description and the particulars and articles of the real and personal estate intended to be conveyed and passed by such marriage contracts, deeds and settlements. Any such schedule shall be annexed to the contract, deed or other settlement paper, signed, executed and delivered by the parties therein interested at the time of the signing, executing and delivering the marriage contract, deed or settlement, be subscribed by the same witness who subscribed the marriage contract, deed or settlement and be recorded therewith; otherwise, and in default of such schedule and recording thereof as aforesaid, the marriage contract, deed or settlement shall be deemed and declared to be fraudulent, null and void with respect to and against creditors and bona fide purchasers or mortgagees.

HISTORY: 1962 Code Section 20‑205; 1952 Code Section 20‑205; 1942 Code Section 8576; 1932 Code Section 8576; Civ. C. ‘22 Section 5541; Civ. C. ‘12 Section 3762; Civ. C. ‘02 Section 2669; G. S. 2038; R. S. 2168; 1792 (5) 203.

**SECTION 20‑5‑60.** Husband shall not be liable for wife’s debts.

A husband shall not be liable for the debts of his wife contracted prior to or after their marriage, except for her necessary support and that of their minor children residing with her.

HISTORY: 1962 Code Section 20‑206; 1952 Code Section 20‑206; 1942 Code Section 8575; 1932 Code Section 8575; Civ. C. ‘22 Section 5540; Civ. C. ‘12 Section 3761; Civ. C. ‘02 Section 2668; G. S. 2037; R. S. 2167; 1897 (20) 1121; Const. 1895 Art. 17 Section 9.

**SECTION 20‑5‑70.** Liability of husband in suit brought against wife.

Neither a husband nor his property shall be liable for any recovery against his wife in any suit brought against her. Judgment in any such suit may be enforced by execution against her sole and separate estate in the same manner as if she were sole.

HISTORY: 1962 Code Section 20‑207; 1952 Code Section 20‑207; 1942 Code Section 400; 1932 Code Section 400; Civ. P. ‘22 Section 357; Civ. P. ‘12 Section 163; Civ. P. ‘02 Section 135; 1870 (14) 137; 1925 (34) 263.

**SECTION 20‑5‑80.** Validation of certain deeds subsequent to April 16, 1868.

All deeds and conveyances made since April 16, 1868, whereby lands and tenements which were the estate of their husbands have been conveyed to married women and which have been duly recorded in the office of the register of deeds or clerk of court for the county in which such lands and tenements are situate shall be deemed good and effectual in the law, to all intents and purposes, as if the same had been recorded in the office of the Secretary of State within the time prescribed by law, anything to the contrary thereof in any wise notwithstanding.

HISTORY: 1962 Code Section 20‑208; 1952 Code Section 20‑208; 1942 Code Section 8884; 1932 Code Section 8884; Civ. C. ‘22 Section 5315; Civ. C. ‘12 Section 3545; Civ. C. ‘02 Section 2459; G. S. 1779; R. S. 1971.