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.

CROSS REFERENCES

Actions by and against married women, see Section 15‑5‑170.

Constitutional provision in regard to separate property and power to contract of married women, see SC Const, Art XVII, Section 9.

Executions against married women, see Section 15‑39‑60.

Provisions relative to equitable apportionment of marital property, see Section 20‑3‑610 et seq.

Recovery of damages and costs against married women, see Section 15‑35‑160.

Library References

Husband and Wife 68, 79.

Westlaw Topic No. 205.

RESEARCH REFERENCES

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S.C. Jur. Criminal Conversation Section 2, Historical Background.

Forms

Am. Jur. Pl. & Pr. Forms Husband and Wife Section 1 , Introductory Comments.

Am. Jur. Pl. & Pr. Forms Husband and Wife Section 2 , Introductory Comments.

Treatises and Practice Aids

Family Estate Planning Guide Section 18:8, Divorce Agreements‑Post‑Nuptial Agreements.

Res. Mort. Lend. State Reg. Man. South Eastern SC Section 2:26, Marital Rights/Signature Requirements.

LAW REVIEW AND JOURNAL COMMENTARIES

Determination of Property Rights Upon Divorce in South Carolina: An Exploration and Recommendation. 33 S.C. L. Rev. 227, December 1981.

NOTES OF DECISIONS

In general 1

1. In general

For additional related cases, see Phillips v Oswald (1894) 42 SC 71, 20 SE 18. Kuster v Dickson (1891, CC SC). 45 F 91.

Cited in Prosser v Prosser (1920) 114 SC 45, 102 SE 787. Egan v Raysor (1897) 49 SC 469, 27 SE 475. McKenzie v Sifford (1896) 45 SC 496, 23 SE 622. American Mortg. Co. v Woodward (1909) 83 SC 521, 65 SE 739. Bryant v Smith (1938) 187 SC 453, 198 SE 20. Young v Martin (1970) 254 SC 50, 173 SE2d 361.

A married woman may borrow money and purchase or pay claims against her husband. Ellis v Cribb (1899) 55 SC 328, 33 SE 484. Philpot v Cantey (1898). 52 SC 513, 30 SE 595.

Quoted in In re Johnson’s Estate (S.C. 1942) 198 S.C. 526, 18 S.E.2d 450.

This section [Code 1962 Section 20‑201] permits a married woman to enter into contract of partnership with her husband. Burwell v. South Carolina Tax Commission (S.C. 1924) 130 S.C. 199, 126 S.E. 29, 38 A.L.R. 1256. Marriage And Cohabitation 649

Applied in Gibson v. Hutchins (S.C. 1895) 43 S.C. 287, 21 S.E. 250.

This section [Code 1962 Section 20‑201] empowers a married woman to sign an administration bond as principal, and therefore to administer an estate. Nurnberger’s Estate v. Ludekins (S.C. 1894) 40 S.C. 334, 18 S.E. 935.

**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.

CROSS REFERENCES

Provisions relative to equitable apportionment of marital property, see Section 20‑3‑610 et seq.

Library References

Husband and Wife 9, 179.

Westlaw Topic No. 205.

C.J.S. Husband and Wife Section 14.

RESEARCH REFERENCES

Treatises and Practice Aids

Res. Mort. Lend. State Reg. Man. South Eastern SC Section 2:26, Marital Rights/Signature Requirements.

LAW REVIEW AND JOURNAL COMMENTARIES

Determination of Property Rights Upon Divorce in South Carolina: An Exploration and Recommendation. 33 S.C. L. Rev. 227 (December 1981).

Attorney General’s Opinions

As to personal property held jointly by an individual applying for credit and his spouse, an otherwise valid security agreement executed by the applicant and spouse is sufficient to make the property available to the creditor in the event of default, regardless of whether the spouse signs the underlying note or obligation; as to real property owned jointly by husband and wife, a renunciation of dower as well as execution by both husband and wife is necessary to make the real estate available to the mortgagee in the event of default. 1978 Op Atty Gen, No 78‑108, p. 139 (May 30, 1978) 1978 WL 27771.

NOTES OF DECISIONS

In general 1

1. In general

The power given by this section [Code 1962 Section 20‑202] is absolute. Phillips v Oswald (1894) 42 SC 71, 20 SE 18. Carroll v Thomas (1899) 54 SC 520, 32 SE 497.

As to creation of tenancy in common, see Green v Cannady (1907) 77 SC 193, 57 SE 832. Brown v Pechman (1897) 49 SC 546, 27 SE 520. Martin v Suber (1893) 39 SC 525, 18 SE 125. Scottish‑American Mortg. Co. v Mixson (1893) 38 SC 432, 17 SE 244.

Applied in Howard v Kitchens (1889) 31 SC 490, 10 SE 224. Gwynn v Gwynn (1887) 27 SC 525, 4 SE 229.

By virtue of Code 1962 Section 19‑476, Art 17, Section 9 of the Constitution, and this section [Code 1962 Section 20‑202], a husband is entitled to recover from his wife’s estate money paid by him for her funeral expenses. In re Johnson’s Estate (S.C. 1942) 198 S.C. 526, 18 S.E.2d 450.

Cited in Bryant v. Smith (S.C. 1938) 187 S.C. 453, 198 S.E. 20.

As to assignment of mortgage, see Langston v. Smyley (S.C. 1892) 38 S.C. 121, 16 S.E. 771.

But she has no such power where the trustee has contrary power. Rabb v. Flenniken (S.C. 1888) 29 S.C. 278, 7 S.E. 597.

The power to sell is not limited to “a sale, pure and simple, for valuable consideration,” benefiting her separate estate, but allows disposition by gift or otherwise. Booker v. Wingo (S.C. 1888) 29 S.C. 116, 7 S.E. 49.

The second sentence of this section [Code 1962 Section 20‑202] does not confer the power to make legal instruments, but only declares the mode of their execution in pursuance of power elsewhere given. Aultman & Taylor Co. v. Rush (S.C. 1887) 26 S.C. 517, 2 S.E. 402.

Giving lien by mortgage is neither a bequest, a devise, nor an alienation. Aultman & Taylor Co. v. Rush (S.C. 1887) 26 S.C. 517, 2 S.E. 402.

As to her separate property, there may be dealings between the wife and her husband as if she were discovert. McLure v. Lancaster (S.C. 1886) 24 S.C. 273, 58 Am.Rep. 259. Marriage And Cohabitation 644

A married woman has the power to alienate her equitable estate in stock held in trust simply for her at the adoption of the Constitution of 1868. Witsell v. City of Charleston (S.C. 1876) 7 S.C. 88. Marriage And Cohabitation 608

**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.

CROSS REFERENCES

Separate property of married women, see SC Const, Art. XVII, Section 9.

Library References

Husband and Wife 13, 149.

Westlaw Topic No. 205.

C.J.S. Husband and Wife Sections 12, 64.

LAW REVIEW AND JOURNAL COMMENTARIES

Determination of Property Rights Upon Divorce in South Carolina: An Exploration and Recommendation. 33 S.C. L. Rev. 227 (December 1981).

NOTES OF DECISIONS

In general 1

1. In general

As to tenancy by entirety, see Bomar v Mullins (1851) 25 SC Eq 80. McLeod v Tarrant (1893) 39 SC 271, 17 SE 773. Georgia, C. & N. R. Co. v Scott (1892) 38 SC 34, 16 SE 185, reh dismd 38 SC 40, 16 SE 839. Green v Cannady (1907) 77 SC 193, 57 SE 832.

But mere use and enjoyment of personal property purchased by her husband does not create her separate estate therein. Grantham v Grantham (1891) 34 SC 504, 13 SE 675. De Loach v Sarratt (1899) 55 SC 254, 33 SE 2, reh dismd 55 SC 291, 35 SE 441.

Since the Constitution of 1868 a married woman may acquire separate property by gift from her husband. State v Pitts (1879) 12 SC 180. Gerald v Gerald (1888) 28 SC 442, 6 SE 290. Grantham v Grantham (1891) 34 SC 504, 13 SE 675.

The Constitution of 1868 and this section [Code 1962 Section 20‑203] intended only to protect the property of a married woman and not to confer new powers upon her by a change of her legal status. Pelzer, Rogers & Co. v Campbell & Co. (1881) 15 SC 581. Townsend v Brown (1881) 16 SC 91. Aultman & Taylor Co. v Rush (1887) 26 SC 517, 2 SE 402. Bridgers v Howell (1887) 27 SC 425, 3 SE 790. Gwynn v Gwynn (1887) 27 SC 525, 4 SE 229.

This section [Code 1962 Section 20‑203] is not retrospective, and the vested rights of the husband in the lands of the wife before the Constitution of 1868 are not affected thereby. Bouknight v Epting (1878) 11 SC 71. Shuler v Bull (1881) 15 SC 421.

Common law marriage created presumption that improvements made with husband’s funds to wife’s property were gift of improvements to her, so that where nothing in case overcame presumption, husband was not entitled to portion of proceeds from sale of property upon separation. Kirby v. Kirby (S.C. 1978) 270 S.C. 137, 241 S.E.2d 415.

This article comprising the “Married Women’s Acts” does not require abandonment of the rule that a conveyance from wife to husband is presumed invalid as induced by undue influence. Bates v. Bates (S.C. 1948) 213 S.C. 26, 48 S.E.2d 612. Deeds 196(3)

Stated in Bryant v. Smith (S.C. 1938) 187 S.C. 453, 198 S.E. 20.

Under this article a married woman can enter into a contract of partnership with her husband. Burwell v. South Carolina Tax Commission (S.C. 1924) 130 S.C. 199, 126 S.E. 29, 38 A.L.R. 1256. Marriage And Cohabitation 649

Under this article, where a grant is made to a husband and wife in the absence of any express intention of conveying the whole to the survivor, they become tenants in common. Green v. Cannady (S.C. 1907) 77 S.C. 193, 57 S.E. 832.

Under this section [Code 1962 Section 20‑203] and SC Const, Art 17, Section 9, a married woman may maintain an action for damages for an unauthorized levy on her property to satisfy her husband’s debts. Holtzclaw v. Gassaway (S.C. 1898) 52 S.C. 551, 30 S.E. 399.

Such construction would make it violative of the Constitution of the United States. Trustees of Wadsworthville Poor School v. Bryson (S.C. 1891) 34 S.C. 401, 13 S.E. 619.

Also personalty not reduced to possession. Trustees of Wadsworthville Poor School v. Bryson (S.C. 1891) 34 S.C. 401, 13 S.E. 619.

Married woman’s interest in land acquired before the Constitution of 1868 is her separate property. Kincaid v. Anderson (S.C. 1890) 33 S.C. 260, 11 S.E. 766.

A bequest to a daughter by a father in 1861, to be free from the debts and the control of her husband, could not be properly paid to the daughter herself after the SC Constitution of 1868. Witte Bros. v. Clarke (S.C. 1882) 17 S.C. 313.

Vested rights of creditors are not affected. Clawson v. Hutchinson (S.C. 1879) 11 S.C. 323.

**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.

CROSS REFERENCES

Provisions relative to equitable apportionment of marital property, see Section 20‑3‑610 et seq.

Library References

Husband and Wife 126.

Westlaw Topic No. 205.

NOTES OF DECISIONS

In general 1

1. In general

Applied in Mitchell v Mitchell (1894) 42 SC 475, 20 SE 405. Kuster v Dickson (1891, CC SC) 45 F 91.

Wife entitled to equitable ownership of portion of properties held by husband where she contributed materially to financial success of family and acquisition of property by husband, having been employed since time of marriage in 1951 and, at one time, having worked in business owned by husband and his brother‑in‑law for weekly salary of only $25. Wilson v. Wilson (S.C. 1978) 270 S.C. 216, 241 S.E.2d 566.

Possibility that property was purchased with commingled funds, without more, is insufficient to establish resulting trust where wife, claiming resulting trust in family home due to construction of residence from proceeds from sale of prior family home, did not offer any specific evidence as to any specific amount of her money being expended at any time toward purchase price of real estate, and where wife was not obligated to pay any portion of purchase price. Wilson v. Wilson (S.C. 1978) 270 S.C. 216, 241 S.E.2d 566.

Evidence was insufficient to establish resulting trust in lake lot where nothing in record demonstrated that any of wife’s funds were expended at time lot was purchased, and wife offered no evidence of any specific amount she had contributed to acquisition of property. Wilson v. Wilson (S.C. 1978) 270 S.C. 216, 241 S.E.2d 566.

Common law husband not entitled to accounting of rents and income from farm owned by wife where preponderance of evidence supported lower court finding that all funds obtained from use of farm were used for mortgage payments upon property and for support of parties and their children. Kirby v. Kirby (S.C. 1978) 270 S.C. 137, 241 S.E.2d 415. Account 1

Code 1962 Section 10‑216 and this section [Code 1962 Section 20‑204] have not abridged the common‑law right of a husband to the companionship, aid, society and services of his wife, which is comprehended by the term “consortium,” and his attendant right to sue therefor in the event of their loss through personal injury to her. Hughey v. Ausborn (S.C. 1967) 249 S.C. 470, 154 S.E.2d 839, 25 A.L.R.3d 1406.

By virtue of this section [Code 1962 Section 20‑204] and Code 1962 Section 10‑216, the right is conferred upon the wife to bring an action for the recovery of loss of earnings resulting from personal injury to her. Brown v. Finger (S.C. 1962) 240 S.C. 102, 124 S.E.2d 781.

Where a married woman’s separate earnings belong to her by force of a statute specifically providing that a married woman shall be entitled to her own earnings, the husband cannot recover for loss of such earnings. Brown v. Finger (S.C. 1962) 240 S.C. 102, 124 S.E.2d 781.

Stated in Bryant v. Smith (S.C. 1938) 187 S.C. 453, 198 S.E. 20.

**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.

CROSS REFERENCES

Recording marriage settlements, see Section 30‑5‑90.

Library References

Husband and Wife 15, 17.

Westlaw Topic No. 205.

C.J.S. Husband and Wife Sections 37, 53, 60 to 63.

RESEARCH REFERENCES

Treatises and Practice Aids

Family Estate Planning Guide Section 18:8, Divorce Agreements‑Post‑Nuptial Agreements.

NOTES OF DECISIONS

In general 1

1. In general

As to recording, see Ward v Wilson (1794) 1 SC Eq 401. White v Palmer (1840) 16 SC Eq 115. Fowke v Woodward (1843) 17 SC Eq 233. Le Prince v Guillemot (1843) 18 SC Eq 187. Higgenbottom v Peyton (1851) 24 SC Eq 398. Gibbes v Cobb (1854) 28 SC Eq 54. Rivers v Thayer (1854) 28 SC Eq 136. Barsh v Riols (1852) 40 SCL 162. Garner v Executors & Creditors of Garner (1795) 1 SC Eq 437. Forrest v Warrington (1804) 2 SC Eq 254. Croft v Arthur (1811) 3 SC Eq 223. Taylor v Heriot (1812) 4 SC Eq 227. Boatright & Glaze v Wingate (1814) 5 SCL 423. Alston v Alston (1814) 5 SCL 469. Alston v Alston (1814) 7 SCL 604. Cheney v Lubbock (1819) 10 SCL 444. Givens v Branford (1822) 13 SCL 152. Hanion v McCall (1824) 5 SC Eq 170. Franklin v Creyon (1824) 5 SC Eq 243. Miller v Kernshaw (1831) 8 SC Eq 479. M’Cartney & Gordon v Ferguson (1835) 11 SC Eq 180. Perryclear v Jacobs (1937) 11 SC Eq 504. Jacobs v Perryclear (1837) 12 SC Eq 47. Bank of United States v Brown (1837) 11 SC Eq 558. Bank of United States v Brown (1837) 12 SC Eq 131. Baskins v Giles (1839) 14 SC Eq 315. President & Directors of Bank v Mitchell (1839) 14 SC Eq 389. Smith v Patterson (1840) 15 SC Eq 29. Moyle v Campbell (1923) 126 SC 180, 119 SE 186.

If property be sufficiently described in the articles of settlement, no schedule is necessary. Thomas v Higham & Fife (1831) 8 SC Eq 222. Rivers v Thayer (1854) 28 SC Eq 136.

The description must necessarily be according to the character of the property and must give all the information that can reasonably be required. Rivers v Thayer (1854) 28 SC Eq 136. McCartney & Gordon v Ferguson (1835) 11 SC Eq 180. Ramsay v Richardson (1837) 12 SC Eq 271. McDowel v Chambers (1846) 20 SC Eq 347. Rivers v Thayer (1854) 28 SC Eq 136.

Absence of the schedule or failure to record it does not invalidate the settlement between the parties, but only as to creditors and purchasers. Fripp v. Talbird (S.C. 1833).

**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.

CROSS REFERENCES

Obligation to support spouse and children, see Sections 63‑5‑10, 63‑5‑20.

Library References

Husband and Wife 18, 19.

Westlaw Topic No. 205.

C.J.S. Husband and Wife Sections 65, 72 to 86.

NOTES OF DECISIONS

In general 1

1. In general

Judgment on common‑law liability must be recovered during the continuance of coverture. Buckner v Smyth (1813) 4 SC Eq 371. Witherspoon v DuBose (1830) 8 SC Eq 166. Terry v Hopkins (1833) 10 SC Eq 1.

For additional related cases, as to action against husband for supplies furnished wife and children, see Hentze v Marjenhoff (1894) 42 SC 427, 20 SE 278. Clement v Mattison (1846) 37 SCL 93. Williams v Prince (1848) 34 SCL 490.

Wife’s surgery, which was a result of her miscarriage of parties’ child, was not a marital debt because it occurred prior to parties’ marriage, but since the $18,542.13 debt for this surgery would not have occurred but for husband’s and wife’s relationship, family court had authority in divorce action to require husband to participate in repayment of this debt; wife’s hospital bill was a direct result of her pregnancy and ensuing miscarriage, and the procedure was necessary to wife’s health, and not requiring husband to share in the responsibility for defraying this expense would thwart the ultimate goal of ensuring a just, equitable, and fair outcome to both parties. Susan R. v. Donald R. (S.C.App. 2010) 389 S.C. 107, 697 S.E.2d 634. Divorce 831; Divorce 837

A husband or wife may be held individually liable for medical benefits furnished to the other spouse. Ateyeh v. Volkswagen of Florence, Inc. (S.C. 1986) 288 S.C. 101, 341 S.E.2d 378.

A widow had a sufficient interest in the enforcement of a health insurance policy issued to her deceased husband to enable her to maintain an action for breach of contract thereon, since she could be held individually liable for the husband’s medical expenses. Ateyeh v. Volkswagen of Florence, Inc. (S.C. 1986) 288 S.C. 101, 341 S.E.2d 378.

The necessaries doctrine, as codified in Section 20‑5‑60, denies husbands equal protection of the laws by failing to impose a reciprocal obligation on wives; however, in light of recent legislative and common law developments in South Carolina, the doctrine of necessaries remains a viable common law doctrine. Richland Memorial Hosp. v. Burton (S.C. 1984) 282 S.C. 159, 318 S.E.2d 12. Constitutional Law 3409; Constitutional Law 3413; Marriage And Cohabitation 571

Necessaries doctrine, as codified in Section 20‑5‑60, denies husbands equal protection of laws by failing to impose reciprocal obligation on wives, but doctrine of necessaries remains viable common‑law doctrine, allowing third parties providing necessaries to husband or wife to bring action against individual’s spouse. Richland Memorial Hosp. v. Burton (S.C. 1984) 282 S.C. 159, 318 S.E.2d 12. Constitutional Law 3409; Constitutional Law 3413; Marriage And Cohabitation 571

Father is not responsible for the medical expenses of 18‑year‑old emancipated daughter. Timmerman v. Brown (S.C. 1977) 268 S.C. 303, 233 S.E.2d 106.

Emancipation of child is a question of fact, effected primarily by agreement of the parent although the child’s acts are also to be considered. Timmerman v. Brown (S.C. 1977) 268 S.C. 303, 233 S.E.2d 106. Parent And Child 269

Where child announced to her father that she did not intend to return home and the father did not attempt in any way to make her return home, and child received social security payments due her directly, and was over 18 years of age, there was adequate evidence to find the child emancipated. Timmerman v. Brown (S.C. 1977) 268 S.C. 303, 233 S.E.2d 106.

The provision relieving the husband of his common‑law liability for debts of his wife was held not retrospective in Clawson v. Hutchinson (S.C. 1879) 11 S.C. 323.

**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.

CROSS REFERENCES

Actions by and against married women, see Section 15‑5‑170.

Executions against married women, see Section 15‑39‑60.

Recovery of damages and costs against married women, see Section 15‑35‑160.

Library References

Husband and Wife 175.

Westlaw Topic No. 205.

**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.

Library References

Records 9.

Westlaw Topic No. 326.

C.J.S. Registration of Land Titles Sections 1 to 66.

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