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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 38

January 8, 2007

Authored by Lesch

The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act
1.2 relating to real property; providing for certain conveyances of the homestead;
1.3 amending Minnesota Statutes 2006, section 507.02.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2006, section 507.02, is amended to read:

1.6 **507.02 CONVEYANCES BY SPOUSES; POWERS OF ATTORNEY.**

1.7 If the owner is married, no conveyance of the homestead, ~~except a mortgage for~~
1.8 ~~purchase money under section 507.03, a conveyance between spouses pursuant to section~~
1.9 ~~500.19, subdivision 4, or a severance of a joint tenancy pursuant to section 500.19,~~
1.10 ~~subdivision 5,~~ shall be valid without the signatures of both spouses. A spouse's signature
1.11 may be made by the spouse's duly appointed attorney-in-fact.

1.12 A husband and wife, by their joint deed, may convey the real estate of either. A
1.13 spouse, by separate deed, may convey any real estate owned by that spouse, except the
1.14 homestead, subject to the rights of the other spouse therein; and either spouse may, by
1.15 separate conveyance, relinquish all rights in the real estate so conveyed by the other
1.16 spouse. Subject to the foregoing provisions, either spouse may separately appoint an
1.17 attorney-in-fact to sell or convey any real estate owned by that spouse, or join in any
1.18 conveyance made by or for the other spouse. Use of a power of attorney is subject to
1.19 section 518.58, subdivision 1a. A minor spouse has legal capacity to join in a conveyance
1.20 of real estate owned by the other spouse, so long as the minor spouse is not incapacitated
1.21 because of some reason other than that spouse's minor age.