

HOUSE RESEARCH

Bill Summary

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Subject: Purchase money mortgages by spouses

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Section

- 1** **Conveyances by spouses; powers of attorney.** Amends the statute that specifies which homestead conveyances are valid without the signatures of both spouses. Adds a cross reference to section 2.
- 2** **Purchase money mortgage; nonjoinder of spouse.** Amends the statute that prevents a spouse who did not sign a mortgage from having a marital property right as against a mortgagee, if the other spouse mortgaged the property to secure the purchase price. Provides that if any part of the money secured by the mortgage is used to pay the purchase price, the entire mortgage debt is deemed purchase money; except for any money used to pay the balance under an installment land contract that gives the purchaser the right to possession of the property.

The section applies to every purchase money mortgage regardless of when granted or created.