CHAPTER 519

MARRIED PERSONS; RIGHTS, PRIVILEGES

519.01	SEPARATE LEGAL EXISTENCE.	519.06	CONTRACTS BETWEEN SPOUSES.
519.02	PROPERTY RIGHTS.	519.07	BARRING INTEREST OF SPOUSE; RIGHTS RECIPROCAL.
519.03	RESPONSIBLE FOR TORTS AND BOUND BY CONTRACT.	519.091	RESIDUAL MARITAL PROPERTY RIGHTS ABOLISHED.
519.04	PROPERTY ACQUIRED BY SPOUSE DURING SEPARATION; CONVEYANCES.	519.101	DOWER AND CURTESY ACTIONS.
519.05	LIABILITY OF SPOUSES.	519.11	ANTENUPTIAL AND POSTNUPTIAL AGREEMENTS.

519.01 SEPARATE LEGAL EXISTENCE.

Women shall retain the same legal existence and legal personality after marriage as before, and every married woman shall receive the same protection of all her rights as a woman which her husband does as a man, including the right to appeal to the courts in her own name alone for protection or redress.

History: *(8616) RL s 3605; 1985 c 248 s 65*

519.02 PROPERTY RIGHTS.

All property, real, personal, and mixed, and all choses in action, owned by any woman at the time of her marriage, shall continue to be her separate property, notwithstanding such marriage; and any married woman, during coverture, may receive, acquire, and enjoy property of every description, and the rents, issues, and profits thereof, and all avails of her contracts and industry, free from the control of her spouse, and from any liability on account of his debts, as fully as if she were unmarried.

History: *(8617) RL s 3606; 2024 c 101 art 3 s 2*

519.03 RESPONSIBLE FOR TORTS AND BOUND BY CONTRACT.

Every married woman is bound by her contracts and responsible for her torts, and her property shall be liable for her debts and torts to the same extent as if unmarried. She may make any contract which she could make if unmarried, and shall be bound thereby, except that every conveyance and contract for the sale of her real estate or any interest therein, shall be subject to and governed by the provisions of section 507.02.

History: *(8618) RL s 3607; 1905 c 255; 1907 c 417 s 1*

519.04 PROPERTY ACQUIRED BY SPOUSE DURING SEPARATION; CONVEYANCES.

All property, real and personal, acquired by any woman in her own name during any period of time in which she shall have been or may hereafter be legally separated from her spouse by a decree of any court of this state, shall be and remain her separate property during the continuance of such separation and any such real property may be conveyed by her without her spouse joining in the deed of conveyance and all such property may be conveyed, sold, and disposed of by her without her spouse joining with her in the conveyance thereof, and any and all conveyances of such property heretofore made are hereby declared legal and valid and the same and all such are declared valid.

History: *(8619) 1913 c 237 s 1; 2024 c 101 art 3 s 2*

519.05 LIABILITY OF SPOUSES.

(a) A spouse is not liable to a creditor for any debts of the other spouse. Notwithstanding this paragraph, in a proceeding under chapter 518 the court may apportion such debt between the spouses.

(b) Either spouse may close a credit card account or other unsecured consumer line of credit on which both spouses are contractually liable, by giving written notice to the creditor.

(c) Nothing in this section prevents a creditor's claim against a decedent's estate.

History: *(8620) RL s 3608; 1981 c 31 s 11; 1997 c 245 art 2 s 7; 2001 c 158 s 5; 2009 c 79 art 5 s 73; 2024 c 114 art 3 s 83*

519.06 CONTRACTS BETWEEN SPOUSES.

No contract between spouses relative to the real estate of either, or any interest therein, shall be valid, except as provided in section 500.19, subdivisions 4 and 5; but, in relation to all other subjects, either may contract with the other. A spouse may appoint the other as an attorney-in-fact with respect to all property of the principal, or any interest in the property, whether real, personal, or mixed. Use of a power of attorney is subject to section 518.58, subdivision 1a. In all cases where the rights of creditors or purchasers in good faith come in question, each spouse shall be held to have notice of the contracts and debts of the other as fully as if a party thereto.

History: *(8621) RL s 3609; 1979 c 123 s 6; 1987 c 26 s 3; 1995 c 130 s 6; 2024 c 101 art 3 s 2*

519.07 BARRING INTEREST OF SPOUSE; RIGHTS RECIPROCAL.

A person who has an interest in real estate may bring an action in any county in which all or a part of the real estate is located, seeking a decree that will bar any inchoate interest of the person's spouse in the real estate. The court may grant such a petition if the court finds by clear and convincing evidence that the person's spouse is an incapacitated person as defined in section 524.5-102, subdivision 6, that the person has been deserted by the spouse for a period of at least one year, or that other similar circumstances warrant. The decree may grant the person full control of all the person's real estate located in Minnesota, with power to sell, convey, mortgage, lease, or transfer title to it, subject to any limitations the court considers proper in the circumstances. The decree may not be granted or must be vacated if the petitioner caused or contributed to the incapacity or disappearance of the petitioner's spouse. A certified copy of such decree may be recorded in the office of the county recorder or filed in the office of registrar of titles in any county wherever such real estate, or any part thereof, may be situated.

History: *(8622) RL s 3610; 1976 c 181 s 2; 1986 c 444; 1995 c 130 s 7; 2004 c 146 art 3 s 38*

519.08 [Repealed, 1979 c 67 s 2]

519.09 [Repealed, 1991 c 144 s 4]

519.091 RESIDUAL MARITAL PROPERTY RIGHTS ABOLISHED.

Subdivision 1. **Interest abolished.** The marital property interest in real property, as defined in section 518.003, subdivision 3b, that was owned by a person's former spouse is abolished effective July 1, 1990, as against the interest of a third person that is of record before January 1, 1989.

Subd. 2. **Exceptions.** Subdivision 1 does not apply if:

(1) the marital property interest is determined under a decree of dissolution, legal separation, or annulment; or

(2) an action claiming the marital property interest is begun before July 1, 1990, and a notice is recorded within that period in the office of the county recorder or registrar of titles in the county where the property is located.

History: *1989 c 229 s 3; 2005 c 4 s 124; 2005 c 164 s 29; 1Sp2005 c 7 s 28*

519.10 [Repealed, 1971 c 25 s 88]

519.101 DOWER AND CURTESY ACTIONS.

Subdivision 1. **General.** The following actions must be commenced, and a notice of lis pendens filed with the county recorder or registrar of titles in the county where the property is located, within 15 years after the conveyance on which the action is based was recorded with the county recorder or registrar of titles:

(1) an action for the recovery of title to or possession of real property or a right in the property based on a person having a marital interest or estate in dower or curtesy or a marital interest or estate or statutory interest in lieu of dower or curtesy, or by anyone claiming by, through, or under the person, if the spouse of the person conveyed the real property, or any interest in the property; or

(2) an action for the recovery of title to or possession of real property or a right in real property by a person claiming by reason of the failure of a spouse to join in a conveyance of real property that was the homestead of the grantor at the time of the conveyance.

Subd. 2. **Inchoate interests.** An inchoate estate or statutory interest in lieu of dower or curtesy in real property in this state that is conveyed in writing by the spouse of the person entitled to the inchoate estate or interest is abolished if the conveyance has been recorded with the county recorder or registrar of titles of the county where the real property is located for 15 years or longer. This subdivision does not affect an inchoate estate or statutory interest in lieu of dower or curtesy if an action is commenced and a notice of lis pendens is filed with the county recorder or registrar of titles in the county where the property is located during the 15-year period.

History: *1949 c 308 s 2; 1957 c 375 s 2; 1965 c 772 s 2; 1973 c 12 s 2; 1976 c 181 s 2; 1984 c 566 s 4; 1987 c 26 s 5; 1991 c 144 s 1*

519.11 ANTENUPTIAL AND POSTNUPTIAL AGREEMENTS.

Subdivision 1. **Antenuptial agreement.** (a) Two individuals of legal age may enter into an antenuptial agreement prior to the solemnization of marriage which shall be valid and enforceable if the agreement meets the procedural and substantive fairness requirements under subdivisions 1b and 1c.

(b) An antenuptial agreement made in conformity with this section may:

(1) determine what rights each party has in the marital and nonmarital property, as those terms are defined in section 518.003, subdivision 3b, upon a dissolution of marriage or legal separation;

(2) provide for spousal maintenance, as defined in section 518.003, subdivision 3a;

(3) determine the rights that each party has in the estate of the other as otherwise conferred upon them by chapter 524; and

(4) may bar each other of all rights in the respective estates not so secured to them by their agreement.

(c) The marriage itself is adequate consideration for an agreement made in conformity with this section.

(d) An agreement duly acknowledged and attested is prima facie proof of the matters acknowledged in the agreement.

(e) If an antenuptial agreement unambiguously permits severability, the court may sever any unenforceable provision and enforce the remaining provisions of the agreement.

Subd. 1a. MS 2022 [Repealed by amendment, 2024 c 101 art 3 s 1]

Subd. 1b. **Procedural fairness.** (a) For purposes of this subdivision, "full and fair disclosure" means that each party has provided a reasonably accurate description of all material facts of their income and good faith estimates of the value of their property and discloses the basis for these disclosures. A party must not waive the full and fair disclosure requirement under paragraph (b), clause (1).

(b) An antenuptial agreement is procedurally fair if:

(1) there is full and fair disclosure of the current income and property of each party;

(2) each party has had a meaningful opportunity to consult with independent legal counsel of the party's choosing;

(3) the agreement is in writing, executed in the presence of two witnesses, and acknowledged by the parties before a person authorized to administer an oath under the laws of this state;

(4) the agreement is entered into voluntarily and free of duress; and

(5) the agreement is entered into and executed no less than seven days before the marriage.

(c) An agreement entered into and executed at least seven days before the date of marriage is presumed enforceable and the burden of proof is on the party seeking to set aside the agreement. An agreement that is entered into and executed less than seven days before the marriage is not presumed enforceable, and the proponent of the agreement has the burden of proof.

(d) A power of attorney does not satisfy the requirements of paragraph (b), clause (3).

Subd. 1c. **Substantive fairness.** (a) In determining if an agreement under this section is substantively fair, the court shall consider whether all or part of the agreement is substantively unfair as to be unconscionable to a party either by the agreement's terms or as the result of drastically changed circumstances originally not foreseen when the agreement was created, such that enforcement would no longer comport with the reasonable expectations of the parties at the time that the parties executed the agreement.

(b) The agreement need not approximate a division of marital or nonmarital property, or an award of spousal maintenance, consistent with statutory law regarding property division or spousal maintenance. A deviation from statutory standards does not in itself make an agreement unconscionable.

Subd. 1d. **Postnuptial agreement.** (a) Spouses who are legally married under the laws of this state may enter into a postnuptial agreement, which is valid and enforceable if the agreement:

(1) complies with the requirements for antenuptial agreements in this section and in the laws of this state, including but not limited to the requirement that the agreement be procedurally and substantively fair except that subdivision 1b, paragraph (b), clause (5), does not apply; and

(2) complies with the requirements for postnuptial agreements in this section.

(b) A postnuptial agreement that conforms with this section may determine all matters that may be determined by an antenuptial agreement under the law of this state.

(c) A postnuptial agreement is valid and enforceable only if at the time of its execution each spouse is represented by separate legal counsel.

(d) A postnuptial agreement is presumed to be unenforceable if either party commences an action for a legal separation or dissolution within two years of the date of the agreement's execution, unless the spouse seeking to enforce the postnuptial agreement can establish that the postnuptial agreement is fair and equitable.

(e) Nothing in this section impairs the validity or enforceability of a contract, an agreement, or a waiver that is entered into after marriage and that is described in sections 524.2-201 to 524.2-215. Further, a conveyance permitted by section 500.19 is not a postnuptial agreement under this section.

Subd. 2. MS 2022 [Repealed by amendment, 2024 c 101 art 3 s 1]

Subd. 2a. **Amendment or revocation.** An antenuptial agreement may be amended or revoked after the marriage of the parties only by a valid postnuptial agreement that complies with this section and with the laws of this state. A postnuptial agreement may be amended or revoked only by a later, valid postnuptial agreement that complies with this section and with the laws of this state.

Subd. 3. MS 2022 [Repealed by amendment, 2024 c 101 art 3 s 1]

Subd. 4. MS 2022 [Repealed by amendment, 2024 c 101 art 3 s 1]

Subd. 5. MS 2022 [Repealed by amendment, 2024 c 101 art 3 s 1]

Subd. 6. **Application.** This section applies to all antenuptial and postnuptial agreements executed on or after August 1, 2024. An antenuptial agreement entered into before August 1, 2024, shall not be invalidated based on the same sex of the parties to the agreement.

Subd. 7. **Effect of sections 519.01 to 519.101.** Nothing in sections 519.01 to 519.101, shall be construed to affect antenuptial or postnuptial agreements.

History: *1979 c 67 s 1; 1980 c 509 s 176; 1994 c 545 s 1; 1995 c 130 s 8; 2000 c 444 art 2 s 44; 2002 c 338 s 1; 2005 c 164 s 29; 1Sp2005 c 7 s 28; 2024 c 101 art 3 s 1*