



Homestead, Community Property, & Non-Title Spouse Signature Requirements

This matrix is distributed to provide general information about the subject matter covered and should not be utilized as a substitute for professional advice for your specific situation. If you require such advice, please consult with your own professional advisers. Please note that investors, lenders, and title companies may have different signature requirements. Please consult with the appropriate parties.

State	Do Homestead Rights Exist?	Community Property State?	Non-Title Spouse Signature May Be Required?	Comments Regarding Non-Title Spouse Signature Requirements	Citations
Alabama	Y	N	Y	Req'd to Waive Homestead Rights	Ala. Code § 6-10-2, 6-10-3, 6-10-4, 30-4-12.
Alaska	Y	Y (Married couples may elect to treat property as Community Property)	Y	Req'd to Waive Homestead Rights	Alaska Stat. § 34.15.010, 34.77.030(a), 09.38.010; National Bank of Alaska v. Ketzler, 71 P.3d 333 (Alaska 2003).
Arizona	Y	Y	Y	Req'd for Community Property	Ariz. Rev. Stat. Ann. § 25-211, 25-214, 33-452, 33-453, 33-964.B, 33-1101, 33-1104.
Arkansas	Y	N	Y	Req'd to Waive Homestead Rights	Ark. Const. Art. IX, § 3; Ark. Const. Art. IX, § 4; Ark. Code Ann. § 28-11-303, 28-11-401-403; Rogers v. Great American Federal Savings and Loan Association, 801 Ark. 143, 801 S.W.2d 36 (1990).
California	Y	Y	Y	Req'd for Community Property	Cal. Const. art. XX, § 1.5; Cal. Civ. Proc. Code §§ 704.710 to 704.990; Cal. Fam. Code § 760, 1102.
Colorado	Y	N	Y	Req'd to Waive Homestead Rights	Colo. Rev. Stat. § 14-2-207, 38-41-201, 38-41-202(4), 38-41-212.
Connecticut	N	N	N		Conn. Gen. Stat. § 46b-36, 45a-436, 52-352b(t); Connecticut Public Act 05-10.
Delaware	N	N	N		Del. Code Ann. tit. 25, § 2104, 2105.
District of Columbia	Y	N	Y	Req'd if spouse or domestic partner are living together.	District of Columbia 2006 L.B. 52, effective April 3, 2006
Florida	Y	N	Y	Req'd to Waive Homestead Rights	Fla. Const. art. X, § 4(c); Fla. Stat. Ann. § 708.08.
Georgia	Y	N	Y		Ga. Code Ann. § 19-3-9, 44-13-1, 44-13-40.
Hawaii	Y	N	Y	Req'd to avoid dower.	Haw. Rev. Stat. § 667-9, 560:2-402, 572-21, 510-2.
Idaho	Y	Y	Y	Req'd for Homestead and Community Property	Idaho Code § 32-906, 55-1007, 32-903; Guy v. Guy, 98 Idaho 205, 560 P.2d 876 (1977).



State	Do Homestead Rights Exist?	Community Property State?	Non-Title Spouse Signature May Be Required?	Comments Regarding Non-Title Spouse Signature Requirements	Citations
Illinois	Y	N	Y	Req'd to Waive Homestead Rights	735 Ill. Comp. Stat. § 5/12-904; 765 Ill. Comp. Stat. § 5/27; 765 Ill. Comp. Stat. § 5/11; 815 Ill. Comp. Stat. § 505/2H; 765 IL CS 5/1.
Indiana	Y	N	N		Ind. Code § 31-11-7-2, 29-1-2-3.1, 29-1-4-1.
Iowa	Y	N	Y	Req'd to Waive Homestead Rights	Iowa Code § 597.1, 561.13, 561.22.
Kansas	Y	N (Equitable Property State)	Y		Kan. Stat. Ann. § 59-505, 60-2301; In re Marriage of Brane, 21 Kan. App. 2d 778, 782.
Kentucky	Y	N	Y	Req'd to Waive Homestead Rights	Ky. Rev. Stat. Ann. § 427.100, 392.020; Carr v. Britton, 267 Ky. 803 (1937).
Louisiana	Y	Y	Y	Req'd for Community Property	La. Rev. Stat. Ann. § 20:1; La. Civ. Code art. 2334; C.J.S., Husband and Wife § 198.
Maine	Y	N	Y*	*Not Required for Purchase Money Loans but may be req'd for Non-Purchase Loans	Me. Rev. Stat. Ann. tit. 33 § 480, 14 § 4422, 14 § 4425, 14 § 4426.
Maryland	N	N	N	Not Req'd for Purchase Money Loans but may be req'd for Non-Purchase Loans	Md. Est. & Trusts Code Ann. § 3-202; MD CTS & JUD PRO § 11-504.
Massachusetts	Y	N	N		Mass. Gen. Laws ch. 188 § 1, 189 § 3, 189, § 1, 189, § 4.
Michigan	Y	N	Y*	*Not Req'd for Purchase Money Loans but may be req'd for Non-Purchase Loans	Mich. Comp. Laws Ann. § 558.4, 565.221, 554.43, 600.6023.
Minnesota	Y	N	Y*	*Not Req'd for Purchase Money Loans but may be req'd for Non-Purchase Loans	Minn. Stat. §§ 507.02, 507.03, 518.54, 273.124; Rindahl v. St. Louis County Welfare Bd., 437 N.W.2d 686, 692 (Minn. App. Ct. 1989).
Mississippi	Y	N	Y	Req'd to Waive Homestead Rights	Miss. Code Ann. § 89-1-29; Ward v. Ward, 517 So. 2d 571 (Miss. 1987); Welborn v. Lowe, 504 So. 2d 205 (Miss. 1987).
Missouri	Y	N	Y	Req'd to Waive Homestead Rights	Mo. Rev. Stat. § 513.475, 474.150.
Montana	Y	N	Y	Req'd to Waive Homestead Rights	Mont. Code Ann. §§ 40-2-201, 40-2-202, 70-32-202, 70-32-301, 70-32-101 et seq.
Nebraska	Y	N	Y	Req'd to Waive Homestead Rights	Neb. Rev. Stat. § 40-104; Christensen v. Arant, 218 Neb. 625, 358 N.W.2d 200 (1984).]
Nevada	Y	Y	Y	Req'd for Community Property	Nev. Rev. Stat. § 115.010, 123.220, 123.230; Nev. Const. Art. 4, § 30; Mullikin v. Jones, 71 Nev. 14 (1955); Allen v. Hernon, 74 Nev. 238 (1958); Neumann v. McMillan, 97 Nev. 340 (1981).



State	Do Homestead Rights Exist?	Community Property State?	Non-Title Spouse Signature May Be Required?	Comments Regarding Non-Title Spouse Signature Requirements	Citations
New Hampshire	Y	N	Y		N.H. Rev. Stat. Ann. § 480:5-a; NH ST § 480:1.
New Jersey	N	N	Y	Not Req'd for Purchase Money Loans but req'd to impose a lien on joint possession of the principal marital residence	N.J. Rev. Stat. § 3B:28-3; N.J. Stat. Ann. § 3B:28-3.1; See Gladstone v. Berk, 233 N.J. Super. 228, 558 A.2d 512 (App. Div. 1989).
New Mexico	Y	Y	Y	Req'd for Community Property; Homestead Rights n/a to recorded liens of mortgages	N.M. Stat. Ann. §§ 40-3-6 et seq, 40-3-12(A), 40-3-13, 42-10-9, 42-10-11.
New York	N	N	N		N.Y. Real Prop. Law §§ 192 to 195; NY CPLR § 5206; NY Dom Rel § 50; NY Dom Rel § 236.
North Carolina	Y	N	Y	Req'd to waive the Elective Life Estate rights.	N.C. Gen. Stat. § 52-1, 39-7(a), 29-30, 39-13; Pence v. Price, 211 N.C. 707, 192 S.E. 99 (1937)
North Dakota	Y	N	Y	Req'd to Waive Homestead Rights	N.D. Cent. Code § 47-18-04, 47-18-05.1
Ohio	Y	N	Y	Req'd to Waive Homestead Rights	Ohio Rev. Code Ann. § 2103.02, 2329.66.
Oklahoma	Y	N	Y	Req'd to Waive Homestead Rights	Okla. Stat. tit. 43, § 208; Okla. Const. Art. XII, § 2; Okla. Stat. tit. 16, § 4(A); Grenard v. McMahan, 1968 OK 75, 441 P.2d 950 (Okla. 1968); Thomas v. James, 1921 OK 414, 84 Okla. 91, 202 P. 499 (1921); Hensley v. Fletcher, 1935 OK 458, 172 Okla. 19, 44 P.2d 63 (1935).
Oregon	Y	N (Oregon is a community property state for properties acquired prior to April 11, 1949.)	Y		Or. Rev. Stat. § 108.080, 18.395.
Pennsylvania	N	N	N	Title Insurers may require.	20 Pa. Cons. Stat. Ann. § 2211(f); 69 Pa. Stat. § 541; Anthony v. Anthony, 355 Pa. Super. 589, 514 A.2d 91 (1986).
Rhode Island	Y	N	N		R.I. Gen. Laws §§ 15-4-1 et seq, 9-26-4.1.
South Carolina	Y	N	Y		S.C. Code Ann. § 15-41-30, 20-5-10, 20-5-20, 62-2-204; See also S.C. Const. art. XVII, § 9.
South Dakota	Y	N	Y	Req'd to Waive Homestead Rights	S.D. Codified Laws § 43-31-17, 25-2-7; Wilson v. Hayes-Lucas Lumber Co., 226 N.W. 343 (S.D. 1929).
Tennessee	Y	N	Y	Req'd to Waive Homestead Rights	Tenn. Code Ann. § 26-2-301; Hall v. Fulghum, 87 Tenn. 451 (1888).



State	Do Homestead Rights Exist?	Community Property State?	Non-Title Spouse Signature May Be Required?	Comments Regarding Non-Title Spouse Signature Requirements	Citations
Texas	Y	Y	Y	Req'd for Homestead Property	Tex. Prop. Code Ann. § 41.001, 41.002; Tex. Fam. Code Ann. § 3.102; Tex. Const. Art. XVI, § 51, Tex. Const. Art. XVI § 50; Commonwealth Nat. Bank v. U.S., 573 F. Supp. 881, 83-2 USTC P 9636, 52 A.F.T.R.2d 83-5996 (1983).
Utah	Y	N	Y	Req'd to Waive Homestead Rights	Utah Code Ann. § 78-23-3, 78-23-4, 30-2-5.
Vermont	Y	N	Y	Req'd to Waive Homestead Rights	Vt. Stat. Ann. tit. 15 § 64, 27 § 145, 15 § 1204.
Virginia	Y	N	Y	Title Company may require.	Va. Code § 34-4, 34-26, 34-22, 59.1-21.22, 64.1-151.6.
Washington	Y	Y	Y	Req'd for Homestead and Community Property	Wash. Rev. Code § 26.16.030(3); WA ST § 6.13.030; Estate of O.D. Funderburk v. Tom E. Funderburk, 10 Wash. App. 863, 864, 521 P.2d 60 (1974).
West Virginia	Y	N	Y	Req'd to Waive Homestead Rights	W. Va. Code §§ 38-9-1, 38-9-6
Wisconsin	Y	N (Quasi-Community Property State)	Y	Not Required for Purchase Money Loans but may be req'd for Non-Purchase Loans	Wis. Stat. § 706.02(1)(f), 766.001, 815.20; Matter of Howe, 20 B.R. 938 (Bankr. W.D. Wis. 1982); Moore v. Krueger, 507 N.W.2d 155 (1993).
Wyoming	Y	N	Y	Req'd to Waive Homestead Rights	Wyo. Stat. § 1-20-101, 34-1-108 to 34-1-110, 34-2-121; State Bank v. Bagley Bros, 11 P.2d 572 (Wyo. 1932); Wambeke v. Hopkin, 372 P.2d 470 (Wyo. 1962).