

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 407

Representatives Dever, Seitz

A BILL

To amend sections 2103.02, 2103.09, and 2106.24 of 1
the Revised Code to abolish the estate by dower. 2

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2103.02, 2103.09, and 2106.24 of 3
the Revised Code be amended to read as follows: 4

Sec. 2103.02. (A) This section applies only to a dower 5
interest that vested before the effective date of this 6
amendment. 7

(B) A spouse who has not relinquished or been barred from 8
it shall be endowed of an estate for life in one third of the 9
real property of which the consort was seized as an estate of 10
inheritance at any time during the marriage. Such dower interest 11
shall terminate upon the death of the consort except: 12

~~(A)~~ (1) To the extent that any such real property was 13
conveyed by the deceased consort during the marriage, the 14
surviving spouse not having relinquished or been barred from 15
dower therein; 16

~~(B)~~ (2) To the extent that any such real property during 17
the marriage was encumbered by the deceased consort by mortgage, 18

judgment, lien except tax lien, or otherwise, or aliened by 19
involuntary sale, the surviving spouse not having relinquished 20
or been barred from dower therein. If such real property was 21
encumbered or aliened prior to decease, the dower interest of 22
the surviving spouse therein shall be computed on the basis of 23
the amount of the encumbrance at the time of the death of such 24
consort or at the time of such alienation, but not upon an 25
amount exceeding the sale price of such property. 26

In lieu of such dower interest which terminates pursuant 27
to this section, a surviving spouse shall be entitled to the 28
distributive share provided by section 2105.06 of the Revised 29
Code. 30

Dower interest shall terminate upon the granting of an 31
absolute divorce in favor of or against such spouse by a court 32
of competent jurisdiction within or without this state. 33

Wherever dower is referred to in Chapters 2101. to 2131.,~~—~~ 34
~~inclusive,~~ of the Revised Code, it means the dower to which a 35
spouse is entitled by this section. 36

Sec. 2103.09. (A) The estate by the curtesy is abolished; 37
but sections 2103.01 to 2103.09,~~—inclusive,~~ of the Revised Code 38
shall not affect vested rights nor any section of the Revised 39
Code. 40

(B) The estate of dower is abolished. However, the 41
abolition of dower shall not affect the dower interest of a 42
surviving spouse whose interest vested before the effective date 43
of this amendment. 44

Sec. 2106.24. In addition to the rights provided in this 45
chapter, a surviving spouse of a decedent who died testate or 46
intestate is entitled to any other rights prescribed in other 47

chapters of the Revised Code, including, but not limited to, any 48
dower rights that vested before the effective date of this 49
amendment, under Chapters 2103. and 5305. of the Revised Code. 50

Section 2. That existing sections 2103.02, 2103.09, and 51
2106.24 of the Revised Code are hereby repealed. 52