



**Sara Carruthers**  
**State Representative, District 51**  
**Sponsor Testimony for House Bill 209**  
**May 14, 2019**  
**House Civil Justice Committee**

Chairman Hambley, Vice Chair Patton, Ranking Member Brown, and members of the House Civil Justice Committee: Thank you for the opportunity to testify on House Bill 209, which will abolish the estate of dower in Ohio. This legislation will bring Ohio law into line with 47 other states.

Dower in Ohio is the inchoate (not certain) right of one spouse to claim a life estate in one-third of any real estate conveyed by the other spouse during marriage. The right of dower would not be vested until sometime in the future when the owning spouse dies. The concept of dower rights is antiquated, dating back to 1310. It provided for the maintenance and care of a widow in a time of no social service protections. This European tradition was designed to provide for one's daughter upon marriage in the event she lost her spouse. In those times, land, titles, and estates often followed the oldest heir, leaving the widow destitute. Ohio is one of only three states to still have dower in its laws, along with Arkansas and Kentucky. In fact, it was even abolished in England nearly a century ago in 1925.

Today, electronic records and court-mandated disclosure in legal family law proceedings largely make dower a minor but lingering concern. Dower mostly simply causes defects in the titles of Ohio homeowners, creating the inability to sell real estate because a simple reference to marital status or release of dower were omitted from a deed or mortgage. Its continued existence increases costs of real estate transactions without providing any benefit. My joint sponsor, Representative Kick will speak to the real-world implications that dower continues to have for far too many Ohioans.

This legislation – House Bill 407 in the last General Assembly - was previously sponsored by Representatives Seitz and Dever, and passed the House by an 87-1 vote. Abolishing this archaic, burdensome practice will eliminate complexity, uncertainty, and expense for the property owners, lenders, and real estate professionals of Ohio.

Thank you again Chairman for the opportunity to testify on House Bill 209; I will now turn it over to my colleague, Representative Kick.