

WRITTEN TESTIMONY OF NATASHA A. PLUMLY, ESQ.

Chair Senator Bacon, Vice Chair Senator Dolan, Ranking Member Thomas, and Members of the Senate Judiciary Committee.

I have been an attorney for 11 years, practicing in the areas of domestic relations, housing, foreclosure, and public benefits. During those 11 years, I have represented countless numbers of victims of domestic violence and victims of financial misconduct committed by one spouse against the other. I have represented clients in foreclosures where dower was not properly released.

I am here today to testify against HB 407. Ohio is a state that requires spouses to take financial responsibility for each other. Under R.C. 3103.03, a married person has the duty to support themselves, their spouse, and their children. HB 407 essentially takes away the requirement of one spouse to support the other spouse and the children of the marriage. Dower protects the spouse and the children from the other spouse mortgaging the home or selling the home and using all the proceeds from the sale or the mortgage any way they want, such as to support that spouse's illegal drug habit, that spouse's new boyfriend or girlfriend, or that spouse's gambling habit. Here's how it happens. One spouse insists that they be the only spouse on the deed. That spouse under HB 407 then holds all the cards. That spouse without the knowledge of the other spouse may then mortgage or sell the home, leaving the family, including the children destitute, and now reliant on public benefits. With dower, that same spouse would be required to have the other spouse sign off on the mortgage releasing dower or sign the deed releasing dower, thereby, putting said spouse on notice as to what is going on, and stopping one spouse from getting rid of the families' safety net, and possibly their only home.

This situation becomes even more dire, when the other spouse is a victim of domestic violence. Victims of domestic violence are often prohibited by their abuser from being named on deeds. As such, the abuser under HB 407 could now dissipate the asset of the home by mortgaging it or selling it and doing what s/he wishes with the proceeds. This will then make it more difficult for the victim of domestic violence to obtain any money from the home which would have enabled the victim to flee the violence.

The most likely problems that could result from the passage of HB 407 are issues in divorce. One spouse, in anticipation of divorce could sell or mortgage the marital home and possibly many other pieces of real estate without the other spouse's knowledge. Although R.C. 3105.171(D)(4) allegedly protects one spouse from the financial misconduct of the other spouse, those protections when it comes to real estate become nonexistent if there is no dower and the offending spouse has already dissipated all of the money from the mortgage or sale. Without dower, a spouse, anticipating divorce who has mortgaged or sold the home and dissipated the assets from the sale or mortgage, will most likely now have no way to reimburse the other spouse for the financial misconduct. Thus, any finding by the Court of financial misconduct will only

be in word with no actual reimbursement for the victim. Only if dower remains in place will a spouse who's a victim of financial misconduct be able to be reimbursed or be able to be stopped from being a victim of financial misconduct in the first place. With dower, the spouse, who wants to take out the mortgage or sell the property, would not be able to do so without the victim actually releasing dower. If somehow the property was sold or mortgaged without the spouse releasing dower, then the victim is able to be compensated through the filing of a quiet title action or by the bank not receiving a mortgage on the victim's 1/3 dower interest in the property.

Likewise if a spouse has a mortgage on the property and the other spouse has not released their dower interest, if the mortgage payments fall behind, then the spouse who did not release their dower still maintains their dower interest free and clear of the mortgage. This protects the spouse when the other spouse voluntarily quits paying the mortgage, again to dissipate marital assets, thereby attempting to harm the victim spouse.

If HB 407 passes as written, with no protections for the innocent victim spouse and the children, Ohio will be setting up many families to fail and become necessary users of public benefits. Ohio needs to maintain its interest in spouses being responsible for spouses and their children, as it is in Ohio's interest to do so. Eliminating dower will take Ohio back to the middle ages. We should be less concerned about things like scrivener's errors for large commercial transactions, and those who can afford to protect themselves, and more concerned about children being properly cared for by those responsible to provide the caring. Ohio is a state that acknowledges the sanctity of the family unit. Dower continues to be necessary, and increasingly necessary, as Ohio deals with the fallout of the opioid epidemic. As such, I ask that you decide not to back HB 407 as it is currently written, as it will only cause more harm to Ohio and its citizens. Thank you for your time and consideration. Please feel free to ask me any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Natasha Plumly', with a stylized flourish at the end.

Natasha A. Plumly, Esq.