

STATE	COMMUNITY PROPERTY	DOWER	HOMESTEAD	SPOUSE MUST SIGN	SEPARATE INSTRUMENT
ALABAMA	No	No	Yes	Refis = Yes Purchase = No	No
ALASKA	Yes; In 1998 AK passed a unique Community Property Act, under which spouse may opt-in to creation of a community property estate. However, for title purposes only the spouse(s) vested in title need sign the documents.	No	Yes	Yes	Yes, called a "Waiver of Homestead Rights"
ARIZONA	Yes	No	Yes	Yes	Yes, Quit Claim Deed can be utilized by non-titled spouse to waive Homestead.
ARKANSAS	No	Yes	Yes	Yes	Yes, contact FNAS
CALIFORNIA	Yes	No	Yes	Yes	Yes, Interspousal Transfer Deed or Quitclaim Deed
COLORADO	No	No	Yes	Yes; The non-titled spouse has to sign only if there is a recorded declared homestead. There is no requirement for the non-titled spouse to sign because of the statutory homestead exemption.	Yes, quitclaim deed
CONNECTICUT	No	No	No	No	N/A
DELAWARE	No	No	No	No	No waiver – non borrowing spouse must sign Mortgage, TIL and RTC even if spouse holds as married sole and separate (verified 10/1/08)
DIST OF COLUMBIA	No	No. The "Omnibus Trusts and Estates Amendment Act of 2000" became law on or about April 26, 2001, dower was repealed.	No	No	Prior to repeal of the law, a separate instrument was allowed, but not preferred; called a renunciation
FLORIDA	No	No	Yes	Yes; If homestead property, must sign mortgage, a separate waiver is insufficient	No
GEORGIA	No	No	No	No	N/A
HAWAII	No	No	No	No	N/A

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IDAHO	Yes	No	Yes; If homestead property, must sign mortgage, a separate waiver is insufficient	Yes	"Abandonment of Homestead" document may be used. Must be prepared by an attorney. Rarely used
ILLINOIS	No	No	Yes	Yes	"Waiver of Homestead" Specific as to the mortgage
INDIANA	No	No	No	No	N/A
IOWA	No	No	Yes	Yes	No
KANSAS	No	Yes	Yes	Yes	Yes, called various names
KENTUCKY	No	Yes	Yes	Yes	Yes, a "release of Waiver of Dower Rights"
LOUISIANA	Yes	No	Yes	Yes unless the property is the separate property of the spouse then no signature is necessary.	Yes, "Waiver of Homestead Exemption"
MAINE	No	No	No	No	N/A
MARYLAND	No	No	No	No	N/A
MASSACHUSETTS	No	No	Yes, however a Declaration of Homestead must be recorded	Yes	Yes, "Waiver of Homestead"
MICHIGAN	No	Yes	Yes	Yes	No
MINNESOTA	No	No	Yes	Yes	No
MISSISSIPPI	No	No	Yes	Yes	No
MISSOURI	No	Yes; The term "Dower" is not used and instead is called "Marital Rights".	Yes	Yes	Yes, contact FNAS
MONTANA	No	No	Yes	Yes	Yes, as long as executed contemporaneously with mortgage AND there has been no declaration of homestead filed. Called a Release of Homestead Rights and is specific to the mortgage transaction. If a declaration of homestead has been filed, the spouse is required to acknowledge the mortgage.
NEBRASKA	No	No	Yes	Yes	No
NEVADA	Yes	No	Yes	Yes	Yes, a quitclaim deed executed contemporaneously with the mortgage
NEW HAMPSHIRE	No	No	Yes	Yes	No

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NEW JERSEY	No	Yes; Applies only to a property owned by a married person prior to May 28, 1980.	Yes	Refis = Yes Purchase = No	Yes, deed
NEW MEXICO	Yes	No	Yes	Refis = Yes Purchase = No	Yes, "A Sole and Separate Property Agreement and Conveyance" or quitclaim or warranty deed
NEW YORK	No	No	No	No	N/A
NORTH CAROLINA	No	Yes; Termed statutory substitute.	Yes	Refis = Yes Purchase = No	No
NORTH DAKOTA	No	No	Yes	Yes	No
OHIO	No	Yes	Yes	Yes	No
OKLAHOMA	No	No	Yes	Yes	No
OREGON	No	No	No	No	N/A
PENNSYLVANIA	No	No	No	*No, however if search discloses or one has knowledge of a pending divorce, non-titled spouse must join in a deed or mortgage.	N/A
RHODE ISLAND	No	No	No	No	N/A
SOUTH CAROLINA	No	No	Yes; Homestead State for tax purposes only.	No	N/A
SOUTH DAKOTA	No	No	Yes	Yes	No
TENNESSEE	No	No	Yes	Yes	No
TEXAS	Yes	No	Yes	Yes	No
UTAH	No	No	Yes; In order for a principal residence to be considered "homestead" for execution purposes, the owner must record a Declaration of Homestead. Typically, such declarations are terminated before recording a first deed of trust.	No	N/A
VERMONT	No	No	Yes	Refis = Yes Purchase = No	No

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<b>VIRGINIA - signature of nontitled spouse only required on a Deed of Gift.</b>	No	No; "Augmented Estate" Regime - if during a term of his or her life, if spouse conveys property for less than full value, then spouse must join in a deed or mortgage.	No	No; As long as the mortgage represents a bonafide transaction.	N/A
<b>WASHINGTON</b>	Yes	No	Yes	Yes	No waiver – non borrowing spouse must sign Mortgage, TIL and RTC even if spouse holds as married sole and separate (verified 10/1/08)
<b>WEST VIRGINIA</b>	No	No; Abolished in 1991.	Yes	Yes	No
<b>WISCONSIN</b>	No	No	Yes; The failure of a non-titled spouse to waive homestead results in the mortgage being void. Homestead may also be waived by a separate instrument.	Refis = Yes Purchase = No	Yes
<b>WYOMING</b>	No	No	Yes	Yes	No