

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.2931 Barring dower of incompetent wife; action by husband; determination by court; disposition of proceeds; action by guardian; proceedings.

Sec. 2931. (1) The husband of an insane or otherwise incompetent wife or any other person who has an interest in the real estate in which she has a right of dower may maintain an action to bar her of her right of dower in the premises.

(2) If the court finds that the wife is incurably insane or for more than 2 years has remained insane or otherwise incompetent so that she has been unable from defective intellect to join her husband in the conveyance of the real estate, and that it is proper or necessary to sell the real estate or bar the wife's right of dower in it, then the court shall determine the cash value of the wife's dower interest in the premises, taking into consideration the respective ages of the husband and wife, and order that the wife shall be barred of her dower by the payment of this sum to a guardian other than her husband who shall receive and invest this sum for her sole use and support subject to the supervision of the court. On her becoming sound in mind the court shall direct the remainder to be delivered to her. On her death the court shall direct the remainder to be delivered to her husband, if living, or if not, to her personal representatives.

(3) The guardian, after posting bond approved by the court, may sell at private sale the interest of his ward at a sum not less than the value of the dower as fixed by the court or he may, in a conveyance with the husband, or by separate conveyance, transfer the interest of the ward in the property to the husband's grantee or grantees, or their heirs and assigns but to no other person. Such conveyance shall bar dower as if the ward had, being in sound mind, joined her husband in a deed of the premises.

(4) Proceedings under this section are equitable in nature.

History: 1961, Act 236, Eff. Jan. 1, 1963.