

SECOND REGULAR SESSION

SENATE BILL NO. 946

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DIXON.

Read 1st time January 23, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4458S.01I

AN ACT

To repeal section 474.150, RSMo, and to enact in lieu thereof one new section relating to gifts in fraud of marital rights.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 474.150, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 474.150, to read as follows:

474.150. 1. Any gift made by a **married** person, whether dying testate
2 or intestate, in fraud of the marital rights of [his] **the** surviving spouse [to share
3 in his estate] **to whom the decedent was married at the time of such gift**
4 **and who may share in the decedent's estate**, shall, at the election of [the]
5 **such** surviving spouse, be treated as a testamentary disposition and may be
6 recovered from the donee and persons taking from [him] **the decedent** without
7 adequate consideration and applied to the payment of the spouse's share, as in
8 case of his **or her** election to take against the will.

9 2. Any conveyance of real estate made by a married person at any time
10 without the joinder or other written express assent of [his] **such** spouse, made
11 at any time, duly acknowledged, is deemed to be in fraud of the marital rights of
12 [his] **such** spouse, if the spouse becomes a surviving spouse, unless the contrary
13 is shown.

14 3. Any conveyance of the property of the spouse of a disabled person is
15 deemed not to be in fraud of the marital rights of the disabled person if the
16 probate division of the circuit court authorizes the conservator of the disabled
17 person to join in or assent to the conveyance after finding that it is not made in
18 fraud of the marital rights. Any conveyance of the property of a minor or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 disabled person made by a conservator pursuant to an order of court is deemed
20 not to be in fraud of the marital rights of the spouse of the protectee.

✓

Unofficial

Bill

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