

TITLE 8: FAMILY LAW AND PROBATE
DIVISION 1: DOMESTIC RELATIONS

§ 1821. Management and Control of Property of Spouses.

(a) A spouse acting alone may manage and control:

- (1) That spouse's property that is not marital property;
- (2) Except as provided in subsections (b) and (c) of this section, marital property held in that spouse's name alone or not held in the name of either spouse;
- (3) A policy of insurance if that spouse is designated as the owner on the records of the issuer of it;
- (4) The rights of an employee under an arrangement for deferred employment benefits that accrue as a result of that spouse's employment;
- (5) A claim for relief vested in that spouse by other law; and
- (6) Marital property held in the names of both spouses in the alternative, including a manner of holding using the names of both spouses and the word "or."

(b) Spouses may manage and control marital property held in the names of both spouses other than in the alternative only if they act together.

(c) The right to manage and control marital property transferred to a trust is determined by the terms of the trust.

(d) The spouse with the right to management and control of real property must obtain the written consent of the other spouse in order to sell, convey or lease for more than one year any real property in which the other spouse has any legal or equitable interest. Absent the required consent, the transaction is voidable at the option of the nonconsenting spouse.

(e) If any conveyance or transfer of marital real property is made in violation of subsection (d) of this section, the nonconsenting spouse may bring an action to recover the property or a compensatory judgment in place of the property to the extent of the nonconsenting spouse's interest in the real property. The nonconsenting spouse may bring the action against the grantor spouse or the grantee of the interest in the real property, or both. The action must be commenced within the earlier of one year after the nonconsenting spouse has notice of the transfer or conveyance or three years after the transfer or conveyance.

(f) The right to manage and control marital property does not determine the classification of property of the spouses and does not rebut the presumption of 8 CMC § 1820(b).

(g) The right to manage and control marital property permits gifts of that property only to the extent provided in 8 CMC § 1822.

(h) The right to manage and control any property of spouses acquired before the determination date is not affected by this chapter.

(i) A court may appoint a conservator or guardian to exercise a disabled spouse's right to manage and control marital property.

Source: PL 7-22, § 8.