

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

§ 1826. Optional Forms of Holding Property, Including Use of “and” or “or”; Survivorship Ownership.

(a) Spouses may hold marital property in a form that designates the holders of it by the words “(name of one spouse) or (name of other spouse) as marital property.” Marital property held in that form is subject to 8 CMC § 1821(a)(6).

(b) Spouses may hold marital property in a form that designates the holder of it by the words “(name of one spouse) and (name of other spouse) as marital property.” Marital property held in that form is subject to 8 CMC § 1821(b).

(c) A spouse may hold individual property in a form that designates the holder of it by the words “(name of spouse) as individual property.” Individual property held in that form is subject to 8 CMC § 1821(a)(1).

(d) Spouses may hold property in any other form permitted by law, including a concurrent form or a form that provides for survivorship ownership.

(e) If the words “survivorship marital property” are used instead of the words “marital property” in the form described in subsection (a) or (b) of this section, marital property so held is survivorship marital property. On the death of a spouse, the ownership rights of that spouse in survivorship marital property vest solely in the surviving spouse by nontestamentary disposition at death. The first deceased spouse does not have a right of disposition at death of any interest in survivorship marital property. Holding marital property in a form described in subsection (a) or (b) of this section does not alone establish survivorship ownership between the spouses with respect to the property held in that form.

Source: PL 7-22, § 14.