



Ohio Revised Code

Section 5305.22 Real estate may be conveyed free from dower if spouse incompetent.

Effective: April 6, 2023

Legislation: House Bill 281

(A) Any real estate or interest in real estate coming to a person by purchase, inheritance, or otherwise, after the spouse of the person is adjudged a person with a mental illness subject to court order and admitted to either a hospital for persons with mental illness in this or any other state of the United States or the psychiatric department of any hospital of the United States, may be conveyed by the person while the person's spouse who is a person with a mental illness subject to court order remains a patient of that hospital, free and clear from any dower right or expectancy of the person's spouse who is a person with a mental illness subject to court order. Dower shall not attach to any real estate so acquired and conveyed during the time described in this section in favor of such spouse who is a person with a mental illness subject to court order. The indorsement upon the instrument of conveyance, by the superintendent of the hospital to which the spouse was admitted, that the spouse of the person conveying the real estate is a person with a mental illness subject to court order who has been admitted to that hospital, stating when received in that hospital and signed officially by the superintendent, shall be sufficient evidence of the fact that the spouse of the person conveying the real estate is a person with a mental illness subject to court order. This indorsement shall be a part of the instrument of conveyance.

(B) As used in this section, "person with a mental illness subject to court order" has the same meaning as in section 5122.01 of the Revised Code.
