

MICHIGAN COMMUNITY PROPERTY ACT (EXCERPT)
Act 317 of 1947

***** 557.209 THIS SECTION WAS REPEALED BY ACT 39 OF 1948 (1ST EX. SESS.) EFFECTIVE MAY 10, 1948, SUBJECT TO SAVINGS PROVISIONS IN § 557.252 ET SEQ. *****

557.209 Community property; control or disposition; liability of separate property for debts benefiting community interest; satisfaction of debts; personal services.

Sec. 9. (a) In addition to the liability thereof otherwise provided by law, the separate property of the wife shall be liable for debts contracted and liabilities incurred by reason of any transaction entered into or action taken by the wife relating to the management or control or disposition of or other dealing with or for the protection or benefit of the community property or furthering the interests of the community.

(b) In addition to the liability thereof otherwise provided by law, the separate property of the husband shall be liable for debts contracted and liabilities incurred by reason of any transaction entered into or action taken by the husband relating to the management or control or disposition of or other dealing with or for the protection or benefit of the community property or furthering the interests of the community.

(c) The community property (1) shall be liable for debts contracted and liabilities incurred by the husband or by the wife or by both in any transaction entered into or action taken by the husband or the wife or both relating to the management or control or disposition of or other dealing with or for the protection or benefit of the community property or furthering the interests of the community, and (2) shall also be liable for debts otherwise contracted by the husband and liabilities otherwise incurred by or imposed upon him. With respect to the liability of community property for such debts and liabilities, no distinction shall be made between community property subject to the management and control of the wife and community property subject to the management and control of the husband.

(d) As between the husband and wife, the community property shall be first resorted to for the satisfaction of the debts and liabilities referred to in subdivision (1) of paragraph (c) of this section and the separate property of the husband shall be first resorted to for the satisfaction of the debts and liabilities referred to in subdivision (2) of said paragraph (c), but in the event that community property is applied to the satisfaction of the debts and liabilities referred to in said subdivision (2), the amount which has been so applied shall be chargeable solely against the interest of the husband therein and upon any division of the community property by reason of death, divorce, or other termination of the community, the respective interests of the husband and the wife in the community property shall be adjusted accordingly.

(e) The earnings of the wife for personal services, whether prior or subsequent to the inception of the community, shall be liable for all debts contracted and liabilities incurred by the wife prior to the inception of the community.

(f) The earnings of the husband for personal services, whether prior or subsequent to the inception of the community, shall be liable for all debts contracted and liabilities incurred by the husband prior to the inception of the community.

(g) As between the husband and wife, the separate property shall be first resorted to for the satisfaction of the debts and liabilities referred to in paragraphs (e) and (f) of this section.

(h) For the purposes of paragraphs (e) and (f) of this section, the inception of the community shall be the date of marriage or the effective date of this act, whichever is later.

(i) Nothing in this section shall be deemed to affect or modify the obligation of the husband to support his wife and family and to discharge all debts contracted by the wife for necessities for herself and family during marriage: Provided, however, That if and whenever there is community property available for such purpose the husband shall be entitled to resort first to such community property.

(j) Nothing in this section shall be deemed to prevent the wife or the husband from mortgaging, pledging, or otherwise encumbering her, his, or their separate property or to prevent the wife and the husband from joining in a mortgage, pledge, or other encumbrance of community property as security for any indebtedness whether of the wife or of the husband or both.

History: 1947, Act 317, Imd. Eff. July 1, 1947;—CL 1948, 557.209.

Compiler's note: This act was repealed by MCL 557.251, subject to the saving provisions contained in MCL 557.252 et seq.