

## Alaska Marital Signature Requirements

We constantly get questions on whether or not a non-titled spouse needs to sign on the mortgage documents so figured its the perfect topic for a post. This post can now be a reference for all you multi-state lenders. First off some general rules; if both husband and wife appear on title, both must sign documents (mortgage, rescission and TIL); If only one spouse is on title to property being mortgaged, the following applies:

(i) If the state is a community property state (property is owned in common by husband and wife), then both husband and wife must sign documents (mortgage, rescission and TIL).

(ii) If the state retains dower or curtesy rights (rights in estate of husband/wife), both husband and wife must execute documents (mortgage, rescission and TIL).

(iii) If the state is a common law jurisdiction (what's her's is her's, what's his is his), both parties do not need to sign documents. However, many states have additional requirements for property that is homestead (owner occupied). Be mindful of these additional requirements.

Essentially all non-borrowing spouses must sign throughout the nation unless the subject property is in a state that is a common law jurisdiction without applicable homestead exemptions.

Below is a chart with a state by state breakdown:

| STATE         | COMMUNITY PROPERTY  | DOWER | HOMESTEAD | SPOUSE MUST SIGN | SEPARATE INSTRUMENT                        |
|---------------|---|-------|-----------|------------------|--|
| <b>ALASKA</b> | Yes; In 1998 AK passed a unique Community Property Act, under which spouse may opt-in to creation of a community property estate. However, for title purposes only the spouse(s) vested in title need sign the documents. | No    | Yes       | Yes              | Yes, called a "Waiver of Homestead Rights" |