

## ARTICLE 45.

### HUSBAND AND WIFE.

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| 1. Wife's property not liable for husband's debt. Property passing from one spouse to the other may not |  | prejudice rights of subsisting creditors, but creditors must assert claims within three years. |
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An. Code, 1924, sec. 1. 1912, sec. 1. 1904, sec. 1. 1888, sec. 1. 1892, ch. 267.  
1898, ch. 457. 1929, ch. 398.

1. The property, real and personal, belonging to a woman at the time of her marriage, and all the property which she may acquire or receive after her marriage, by purchase, gift, grant, devise, bequest, descent, in the course of distribution, by her own skill, labor or personal exertions, or in any other manner, shall be protected from the debts of the husband, and not in any way be liable for the payment thereof; provided, that no acquisition of property passing from one spouse to the other, shall be valid if the same has been made or granted in prejudice of the rights of subsisting creditors, who, however, must assert their claims within three years after the acquisition of the property, or be absolutely barred, and, for the purpose of asserting their rights under this section, claims of creditors not yet due and matured shall be considered as due and matured.<sup>1</sup>

Conveyance from husband to himself and wife, and subsequent mortgage, the mortgagee making loan in good faith and without actual notice; in suit by judgment creditor to invalidate conveyance held lien of mortgage not affected. Notice. Estoppel. *Ahrenberg v. Brown*, 153 Md. 601.

Sufficiency of bill to set aside conveyance from husband to wife; demurrer. *Bradford v. Harford Bank*, 145 Md. 656.

Conveyance from husband to himself and wife as tenants by the entireties, if voluntary and without consideration, is invalid as to creditors. Subsisting creditors. Fraud in law. *Robbins v. Dorsey*, 150 Md. 270.

Deed from husband and wife to another, who in turn makes deed to wife as part of same transaction, suit by creditor of husband to set aside transaction as fraudulent, must be brought within three years after recordation. *U. S. F. & G. Co. v. Shoul*, 161 Md. 425.

Husband's interest in rent accruing from property held by the entireties is not subject to attachment for his debts. *Banking & Trust Co. v. Neilson*, 164 Md. 9.

Creditor cannot, after three years, attack conveyance of property by husband to himself and wife as tenants by the entireties. *Hertz v. Mills*, 166 Md. 494.

This section referred to in construing Federal Estate Tax Law. *Safe Dep. & Tr. Co. v. Tait*, 54 Fed. (2nd), 383.

#### 2.

See notes to sec. 1.

<sup>1</sup> Sec. 2 of ch. 398, acts of 1929, repealed all laws inconsistent therewith.