

Senate Engrossed House Bill

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 228

HOUSE BILL 2090

AN ACT

AMENDING SECTION 25-213, ARIZONA REVISED STATUTES; RELATING TO PROPERTY RIGHTS AND CONTRACT POWERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 25-213, Arizona Revised Statutes, is amended to
3 read:

4 25-213. Separate property

5 A. A spouse's real and personal property that is owned by that spouse
6 before marriage and that is acquired by that spouse during the marriage by
7 gift, devise or descent, and the increase, rents, issues and profits of that
8 property, is the separate property of that spouse.

9 B. Property that is acquired by a spouse after service of a petition
10 for dissolution of marriage, legal separation or annulment is also the
11 separate property of that spouse if the petition results in a decree of
12 dissolution of marriage, legal separation or annulment.

13 C. NOTWITHSTANDING SUBSECTION B OF THIS SECTION AND SECTION 25-214,
14 SUBSECTION C, A MORTGAGE OR DEED OF TRUST EXECUTED BY A SPOUSE WHO ACQUIRES
15 THE REAL PROPERTY ENCUMBERED BY THAT MORTGAGE OR DEED OF TRUST AFTER SERVICE
16 OF A PETITION FOR DISSOLUTION OF MARRIAGE, LEGAL SEPARATION OR ANNULMENT
17 SHALL BE ENFORCEABLE AGAINST THE REAL PROPERTY IF THE PETITION DOES NOT
18 RESULT IN A DECREE OF DISSOLUTION OF MARRIAGE, LEGAL SEPARATION OR ANNULMENT.

APPROVED BY THE GOVERNOR MAY 14, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 14, 2004.



Passed the House March 15, 2004

Passed the Senate April 26, 2004

by the following vote: 51 Ayes,

by the following vote: 30 Ayes,

8 Nays, 1 Not Voting

0 Nays, 0 Not Voting

Jake Flake
Speaker of the House

Ken Bennett
President of the Senate

Norman L. Moore
Chief Clerk of the House

Charmine B. Livingston
Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR**

This Bill was received by the Governor this
_____ day of _____, 20____,
at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of
_____, 20____,
at _____ o'clock _____ M.

Governor of Arizona

**EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State
this _____ day of _____, 20____,
at _____ o'clock _____ M.

Secretary of State

HOUSE CONCURS IN SENATE
AMENDMENTS AND FINAL PASSAGE

May 10, 2004,

by the following vote: 46 Ayes,

4 Nays, 10 Not Voting

Jake Flake
Speaker of the House
Armen L. Spore
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this
10th day of May, 2004,

at 2:40 o'clock P. M.

Wendell Upshaw
Secretary to the Governor

Approved this 14 day of

May, 2004,

at 1:50 o'clock P. M.

J. N. ...
Governor of Arizona

H.B. 2090

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State
this 14 day of May, 2004,

at 3:17 o'clock P. M.

Janice K. Brewer
Secretary of State