

# AUTOMATIC HOMESTEAD



**If a home is being sold and the home belonged to one spouse before marriage, both spouses need to sign the deed at closing even if the new spouse was not added to the title. Washington State Homestead Statute requires the signature of both spouses, to protect the non-owning spouse from being left homeless without their knowledge or consent.**

The following exception appears **in any** title commitment in which the property is vested:

*Jane Doe, as her separate estate*

The land described in this commitment appears to be residential in nature and may be subject to the provision of R.C.W.6.13.060 (Washington Homestead Statute) if the land is occupied as a primary residence.

If the land is occupied as a primary residence, all instruments conveying or encumbering the land must be executed by each spouse or domestic partner, individually, or by an attorney-in-fact. In the event the company receives instruments that are not joined by the non-owning spouse or domestic partner with possible homestead rights, the company may be unable to record or to insure the transaction.

## EXAMPLE

You purchase a home as a single person, as your separate estate, and then you get married. If you both live at the property and decide to sell, your spouse will be required, pursuant to the automatic homestead law, to sign the deed at closing. The legislation protects the spouse who does not have a vested interest in the property, since they have to vacate the premises as well if there is a foreclosure or sale. If the spouse signs they are acknowledging this fact.

Connect with CW Title to get answers to all of your title and escrow questions!  
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