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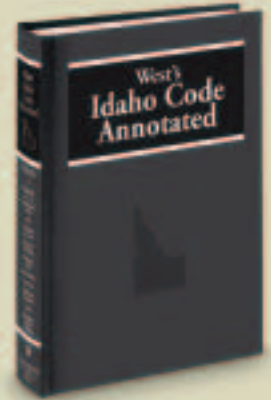
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West's Idaho Code Annotated – NEW

HUSBAND & WIFE—SEPARATE & COMMUNITY PROPERTY § 32-911
 Note 3

§ 32-911. Wife's liability for personal debts

The separate property of the wife is not liable for the debts of her husband, but is liable for her own debts contracted before or after marriage.

Terr. Sess. 1867, p. 65, § 9.

Codifications: R.S. 1887, § 2504; R.C. 1909 and C.L. 1919, § 2685; C.S. 1919, § 4665; I.C.A., § 31-912.

Law Review and Journal Commentaries

Strategies for Strengthening the Case for Separate Property Classification of Assets Under Idaho Law. William A. Reppy, Jr., (1989-1990). 26 Idaho L. Rev. 425.

Library References

Husband and Wife ¶268(8).
 Westlaw Key Number Search: 205k268(8).
 C.J.S. Husband and Wife §§ 164 to 165.

Research References

Treatises and Practice Aids
 The Law of Debtors and Creditors § 6:85, Miscellaneous Matters Regarding Enforcement of the Judgment – Reaching Property in Which the Debtor Shares Title With a Nondebtor – Community Property.

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1. Removal of wife's common law disabilities

Under the constitutional provisions and enabling statutes of this state, a married woman who deals or assumes to deal in respect to matters concerning which her common-law disabilities have been removed is bound by an estoppel the same as any other person. *Overland Nat. Bank of Boise v. Halveston*, 1921, 33 Idaho 489, 196 P. 217. Husband And Wife ¶ 152

2. Wife's statutory rights to contract

The rights of a married woman to contract have been greatly enlarged by the statutes, and her rights to contract are prescribed by statute

and not by the rules of the common law. *Overland Nat. Bank of Boise v. Halveston*, 1921, 33 Idaho 489, 196 P. 217. Husband And Wife ¶ 79

3. Debt incurred by wife for benefit of her personally or her property

When a married woman has entered into a contract, whether the contract was made for her own use or benefit or for use or benefit of her separate property, or otherwise, her judgment creditor under contract may execute upon her separate property for satisfaction of any judgment rendered against her; overruling, *inter alia*, *Frost v. Mead*, 86 Idaho 155, 383 P.2d 834; *Livingston v. Parish*, 81 Idaho 473, 346 P.2d 1047, and *Loomis v. Gray*, 60 Idaho 193, 90 P.2d 529. I.C. §§ 29-101, 32-904, *Williams v. Faxton*, 1976, 98 Idaho 155, 559 P.2d 1123. Husband And Wife ¶ 79; Husband And Wife ¶ 270(11)

Where a married woman executes her negotiable promissory note and receives the money therefor, and expends the same for her son and for medical attendance upon herself, and subsequently renews the note after it is transferred in due course to an innocent holder, the obligation will be regarded as having been given for her own use and benefit, or for the use and benefit of her separate estate. *Overland Nat. Bank of Boise v. Halveston*, 1921, 33 Idaho 489, 196 P. 217. Bills And Notes ¶ 366

Under Act March 9, 1903 (Laws 1903, p. 345), a married woman has absolute control of her separate property, and may contract and

Comprehensive Library References

Internal Cross References (not shown)

Law Review and Journal Commentaries

Treatises and Practice Aids

Notes of Decisions

Key Numbers