Chapter 108

1991 EDITION

Husband and Wife Relationship; Property Rights; Family Violence; Premarital Agreements

GENERAL PROVISIONS

108.010 Removal of wife's civil disabilities; wife's civil rights same as husband's

108.015 Domicile of married person or minor child

108.020 Nonliability for other spouse's obligations

108.030 Liability of husband for civil injuries committed by wife

108.040 Liability for expenses of family or education of children; time for commencing action; liability after divorce or separation

108.050 Nonliability of wife's property for husband's obligations

108.060 Noninterest of one spouse in property of other

108.070 Rights of abandoned wife; adjudication of abandonment

108.080 Civil remedies between spouses in respect of separate property

108.090 Conveyances, transfers and liens between spouses; creation and dissolution of estates by entireties; validation of prior dissolutions

108.100 Husband and wife as attorney in fact for each other

108.110 Petition for support of spouse and children

108.120 Order on hearing petition; order as judgment; compelling attendance of witnesses; decree or order

108.130 Fees

COMMUNITY PROPERTY MATTERS

108.510 Revocation of election to come under terms of Community Property Law of 1943

108.515 Disposition of fees

108.520 Effect of Act repealing Community Property Law of 1947

108.530 Removal of community property status by agreement

108.540 Removal of community property status by death of either spouse

108.550 Reliance on spouse's right to deal with property in spouse's name

FAMILY VIOLENCE PREVENTION PROGRAMS

108.610 Definitions for ORS 108.610 to 108.660

108.620 Grants and contracts for programs to prevent family violence; conditions

108.630 Minimum standards

108.640 Eligibility for grants

108.650 Eligibility for services; referrals

108.660 Domestic Violence Fund

PREMARITAL AGREEMENTS

108.700 Definitions for ORS 108.700 to 108.740

108.705 Agreement to be in writing; consideration not required

108.710 Subjects of agreement; child support not to be adversely affected

108.715 Agreement effective upon marriage

108.720 Modification of agreement; consideration not required

108.725 Party may prove agreement unenforceable; when court may require support; determination of unconscionability

108.730 Effect of void marriage

108.735 Statute of limitations; defenses

108.740 Citation; construction; severability

CROSS REFERENCES

Admissibility of Department of Human Resources computer printout reflecting payment of public assistance, 25.220

Age of majority of married persons, 109.520

Alienation of affection, action prohibited, 30.840

Child support, formula for determining amount, 25.270 to 25.285

Child support orders, health and dental insurance, 25.255

Conveyance to one's self and another, 93.280

Criminal conversation, action prohibited, 30.850

Death, disposition of community property rights, 112.705 to 112.775

Definitions for support enforcement, 25.010

Discrimination, marital status, 659.033

Husband-wife privilege, 40.255

Inapplicability of judgment satisfaction procedure, 18.400

Interment rights of spouses, 97.130, 97.570, 97.580, 97.630, 97.640

Intestate succession, 112.025, 112.035

Joint tenancy, personal property, 105.920

Maintenance of mentally ill and mentally deficient, Ch. 179

Proceedings to obtain support for child receiving public assistance, 109.015

Right to deferred or unpaid balance of purchase price under contract of sale of real property, 93.240

Spouse, election against will, 114.105

Support enforcement, Support Enforcement Division to represent obligee, 25.080

Support payment to Department of Human Resources, 25.020, 25.320

Surname, retention of prior surname on marriage, 106.220

Welfare aid claims not enforced against certain property of widow, 416.310

Validity of married women's deeds before 1907, 93.810

108.040

Juvenile Compact Administrator, power to recover expenses, 417.060

Juvenile court, transfer of certain proceedings, 419.478

Support of surviving spouse and minor children, 114.015

108.050

Wife's property not liable for husband's debts, Const. Art. XV, §5

108.090

Conveyance of interment space, 97.580

Fee simple conditional or fee tail estate, conveyance creating establishes fee simple absolute, 93.250

Validity of married women's deeds before 1907, 93.810

When conveyance creates tenancy in common, 93.180

108.110

Aid in enforcement of parent's liability to support child receiving public assistance, 418.135

Allowance of attorney fees, 107.445

Enforcement of duty to support dependents, Ch. 110

Support Enforcement Division, powers in support cases, 180.320 to 180.370

Support of surviving spouse and minor children, 114.015

108.120

Payments under support or maintenance orders or decrees, contempt proceedings to enforce, Ch. 25

Support payment to clerk of court, 25.040

108.510 to 108.550

Death, disposition of community property rights, 112.705 to 112.775

108.610 to 108.660

Family abuse prevention, 107.700 to 107.730

GENERAL PROVISIONS

108.010 Removal of wife's civil disabilities; wife's civil rights same as husband's. All laws which impose or recognize civil disabilities upon a wife which are not imposed or recognized as existing as to the husband hereby are repealed; and all civil rights belonging to the husband not conferred upon the wife prior to June 14, 1941, or which she does not have at common law, hereby are conferred upon her, including, among other things, the right of action for loss of consortium of her husband.

108.015 Domicile of married person or minor child. (1) Each married person may establish and maintain a domicile in the State of Oregon as if that person were not married.

(2) The domicile of a minor shall follow the domicile of the parents of the minor unless the parents establish separate domiciles. If the parents establish separate domiciles, the minor's domicile shall be that of the parent with whom the minor resides. However, if there has been a legal separation, annulment or dissolution, the minor's domicile shall be that of the parent to whom custody of the minor has been legally given. [1975 c.434 §1; 1981 c.775 §8]

Note: 108.015 was enacted into law by the Legislative Assembly but was not added to and made a part of ORS chapter 108 by legislative action. See Preface to Oregon Revised Statutes for further explanation.

108.020 Nonliability for other spouse's obligations. Neither husband nor wife is liable for the debts or liabilities of the other incurred before marriage; and except as otherwise provided in ORS 108.040, they are not liable for the separate debts of each other, nor is the rent or income of property owned by either husband or wife liable for the separate debts of the other.

108.030 Liability of husband for civil injuries committed by wife. For all civil injuries committed by a married woman, damages may be recovered from her alone and her husband shall not be responsible therefor, except in case where he would be jointly responsible with her if the marriage did not exist.

108.040 Liability for expenses of family or education of children; time for commencing action; liability after divorce or separation. The expenses of the family and the education of the children are chargeable upon the property of both husband and wife, or either of them, and in relation thereto they may be sued jointly or separately; provided, however, that:

(1) In cases where it is sought to hold the wife responsible for such expenses either jointly or separately, the action must be commenced within two years after the cause of action accrued.

(2) After divorce the wife is in no wise responsible for debts or family expenses contracted by the husband while they were living together.

(3) After the wrongful separation of one spouse from the other, the one so wronged shall in no wise be responsible for debts contracted by the other subsequent to such separation except for maintenance, support and education of the minor children of the parties. [Amended by 1965 c.530 §1]

108.050 Nonliability of wife's property for husband's obligations. The property and pecuniary rights of every married woman at the time of her marriage or afterwards acquired including real or personal property acquired by her own labor during coverture, shall not be subject to the debts or contracts of her husband.

108.060 Noninterest of one spouse in property of other. When property is owned by either husband or wife, the other has no interest therein which can be the subject of contract between them, or such interest as will make the same liable for the contracts or liabilities of either the husband or wife who is not the owner of the property, except as provided in ORS 108.040.

108.070 Rights of abandoned wife; adjudication of abandonment. When any married man residing in this state abandons his wife without making suitable provision for her support, and absents himself from this state for a period of one year, the county court of the county in which such wife resides may, upon her petition setting up the facts of such abandonment, verified by her own oath, summarily proceed to hear the petition and adjudge the fact as to such abandonment, which adjudication shall be conclusive as to such fact as to third persons. If such abandonment is adjudged thereupon, such married woman, during the absence of her husband, may in all respects contract in relation to, sell, convey, and deal with her separate property, real and personal, in the same manner as if she were a feme sole.

108.080 Civil remedies between spouses in respect of separate property. Should either the husband or wife obtain possession or control of property belonging to the other either before or after marriage, the owner of the property may maintain an action therefor, or for any right growing out of the same, in the same manner and to the same extent as if they were unmarried.

108.090 Conveyances, transfers and liens between spouses; creation and dis-

solution of estates by entireties; validation of prior dissolutions. (1) A conveyance, transfer or lien executed by either husband or wife to or in favor of the other is valid to the same extent as between other persons.

(2) When a husband or wife conveys to the other an undivided one-half of any real property and retains a like undivided half, and in such conveyance there are used words indicating an intention to create an estate in entirety, said husband and wife hold the real property described in the conveyance by the entirety.

(3) A conveyance from husband or wife to the other of his or her interest in an estate held by them by entirety is valid and dissolves the estate by entirety. All deeds heretofore executed by husband or wife to the other for the purpose of dissolving the estate by entirety are valid.

108.100 Husband and wife as attorney in fact for each other. One spouse may constitute the other his or her attorney in fact to control, sell and convey, mortgage, or bar dower or curtesy for their mutual benefit, and may revoke the same to the same extent and in the same manner as other persons.

108.110 Petition for support of spouse and children. (1) Any married person or state agency which is providing public assistance, as defined by ORS 411.010 or care, support or services as provided in ORS 418.015, to that married person, or on behalf of minor children may apply to the circuit court of the county in which the married person resides or in which the spouse may be found for an order upon the spouse to provide for support of the married person or for the support of minor children and children attending school, or both, and, if the married person initiating the action for support is a woman who is pregnant, her unborn child, or both, if her spouse is the natural father of such children, children attending school or unborn child or if her spouse be the adoptive father of such children or children attending school. The married person initiating the action for support or state agency may apply for the order by filing in such county a petition setting forth the facts and circumstances upon which the married person relies for such order. If satisfied that a just cause exists, the court shall direct that the married person's spouse appear at a time set by the court to show cause why an order of support should not be entered in the matter. If it appears to the satisfaction of the court that the married person initiating the action for support is without funds to employ counsel and is otherwise unable to obtain counsel, the court may make an order directing the district attorney or, if appropriate, the Support Enforcement Division of the Department of Justice to prepare such petition and order to show cause.

(2) As used in this section, "children attending school" means unmarried persons who are 18 years of age or older and under 21 years of age and are students regularly attending schools, colleges or universities, or regularly attending courses of vocational or technical training designed to fit them for gainful employment. A child enrolled in an educational course load of less than one-half that determined by the educational facility to constitute "full-time" enrollment is not a "child attending school."

(3) In the event the petition referred to in subsection (1) of this section has been filed by a state agency, the order of support shall constitute a judgment in favor of that state agency and against the obligor.

(4) The provisions of this section apply equally to cases where it is the husband making application for a support order. [Amended by 1963 c.497 §1; 1973 c.827 §12d; 1975 c.140 §1; 1975 c.458 §13; 1979 c.90 §1; 1981 c.669 §2]

108.120 Order on hearing petition; order as judgment; compelling attendance of witnesses; decree or order. (1) After the hearing of the petition for an order of support the court shall make an order granting or denying it and fixing, if allowed, the terms and amount of the support.

(2) The court has the same power to compel the attendance of witnesses or the production of testimony as in actions and suits, to make such decree or orders as are equitable in view of the circumstances of both parties and to punish violations thereof as other contempts are punished.

(3) The decree or order is a final judgment as to any installment or payment of money which has accrued up to the time either party makes a motion to set aside, alter or modify the decree or order, and the court does not have the power to set aside, alter or modify such decree or order, or any portion thereof, which provides for any payment of money, either for minor children or the support of a party, which has accrued prior to the filing of such motion. However, the court may allow a credit against child support arrearages for periods of time, excluding reasonable visitation unless otherwise provided by order or decree, during which the obligated parent has physical custody of the child with the knowledge and consent of the custodial parent. [Amended by 1989 c.812 §6]

108.130 Fees. At the time of filing the petition for an order of support, the petitioner shall pay to the clerk of the court a fee of $5, which shall cover all charges in-

cident to the filing of papers necessary to a complete determination of the matter and no part of which shall be applied toward the library fund of the county. Payment of the fee is subject to the provisions of ORS 21.605 applicable to waiver, deferral and payment of fees. [Amended by 1965 c.619 §34; 1971 c.621 §23; 1975 c.607 §23; 1981 s.s. c.3 §89; 1983 c.673 §25]

108.140 [Repealed by 1987 c.715 §10]

COMMUNITY PROPERTY MATTERS

108.510 Revocation of election to come under terms of Community Property Law of 1943. (1) Notwithstanding any repeal of chapter 440, Oregon Laws, 1943, known as the Oregon Community Property Law of 1943, any husband and wife who elected to come under the terms thereof may revoke such election upon filing in the office of the Secretary of State a notice of their desire to revoke such election in the following form:

REVOCATION OF ELECTION
TO COME UNDER THE
OREGON COMMUNITY
PROPERTY LAW, CHAPTER 440,
OREGON LAWS, 1943

KNOW ALL PERSONS BY THESE PRESENTS, That we, _____ and _____, hereby state and represent that we are husband and wife; that we reside in _____ County, Oregon, and our post-office address is No._____ Street, City of _____; that we do hereby revoke our election filed in the office of the Secretary of State of the State of Oregon on the _____ day of _____, 19_____, to avail ourselves of the provisions of chapter 440, Oregon Laws, 1943, being the Oregon Community Property Law.

IN WITNESS WHEREOF we have hereunto set our hands and seals this _____ day of _____, 19_____.

_____

STATE OF OREGON,)
) ss.
County of _____)

BE IT REMEMBERED that on this _____ day of _____, 19_____, before me, the undersigned, a notary public in and for said county and state, personally appeared the within named _____ and _____, his wife, who are known to me to be the identical persons described in and who executed the within instrument, and acknowledged to me that they executed the same.

_____
Notary Public for Oregon
My commission expires: _____

Acknowledgments may be taken by any other officer authorized to take acknowledgments.

(2) Such an instrument, together with a fee of $15, shall be presented to the Secretary of State, who thereupon shall file the instrument, properly index it in a book kept for that purpose and transmit to the recording officer of each county in the state the certificate of the Secretary of State, setting forth the nature of such instrument, the names of the parties thereto, the date thereof, and the date of the filing thereof in the office of the Secretary of State. Upon receipt of such certificate, the recording officer shall file it and properly index it in a book kept for that purpose.

(3) Public notice of such revocation exists upon compliance with subsection (2) of this section.

(4) The filing of such revocation operates to restore the title to any community property of persons making the revocation to the status of the property which existed on the date on which such persons filed a certificate of election under the terms of the Oregon Community Property Law of 1943. Such revocation in nowise limits the right of such persons to execute and record such conveyances, assignments and transfers of property, or title thereto, as may operate to effect and make a matter of record the restoration of titles to the status they occupied prior to the filing of the certificate of election.

108.515 Disposition of fees. (1) All moneys received by the Secretary of State under ORS 108.510 shall be paid into the State Treasury to the credit of the General Fund.

(2) Any funds remaining in the Community Property Revocations Account are hereby transferred to the credit of the General Fund. [Amended by 1959 c.85 §1]

108.520 Effect of Act repealing Community Property Law of 1947. The provisions of ORS 108.530 to 108.550 do not impair or affect any right acquired prior to April 11, 1949, but the same may be enjoyed as fully and to the same extent as if ORS 108.520 to 108.550 had not been passed, under and according to the law in force at the time such right was acquired, except as provided in ORS 108.530 and 108.540.

108.530 Removal of community property status by agreement. Community property acquired during coverture and between July 5, 1947, and April 11, 1949, may be converted into property held as tenants in common or by entirety or as the separate property of either spouse by an agreement in writing evidencing such intent, signed by both husband and wife. If such agreement

affects title to real property, it shall describe the property affected thereby, shall be executed and acknowledged in the same manner as deeds and shall be recorded in the deed records of each county in which any such real property is located.

108.540 Removal of community property status by death of either spouse. Upon the death of either spouse after April 11, 1951, all real or personal property which would have been the separate property of such spouse but for the enactment of chapter 525, Oregon Laws 1947, shall be subject to disposition by will and to descent and distribution as the separate property of such decedent as though said chapter 525 had not been passed.

108.550 Reliance on spouse's right to deal with property in spouse's name. Notwithstanding any provisions of chapter 525, Oregon Laws 1947, or any provision of ORS 108.520 to 108.550, any other person may rely, and shall be fully protected in so doing, upon the right of the husband or the wife to receive, manage, control, dispose of or otherwise deal with property standing in his or her name in such manner that, by law, but for the provisions of said statutes, he or she would be entitled so to deal therewith.

FAMILY VIOLENCE PREVENTION PROGRAMS

108.610 Definition for ORS 108.610 to 108.660. As used in ORS 108.610 to 108.660 unless the context requires otherwise:

(1) "Assistant director" means Assistant Director for Children's Services.

(2) "Crisis line" means an emergency telephone service staffed by persons who are trained to provide emergency peer counseling, information, referral and advocacy to victims of domestic violence and their families.

(3) "Family violence" means the physical injury, sexual abuse or forced imprisonment, or threat thereof, of a person by another who is related by blood, marriage or intimate cohabitation at the present or has been related at some time in the past, to the extent that the person's health or welfare is harmed or threatened thereby, as determined in accordance with rules prescribed by the assistant director.

(4) "Safe house" means a place of temporary refuge, offered on an "as needed" basis to victims of domestic violence and their families.

(5) "Shelter home" means a place of temporary refuge, offered on a 24-hour, seven-day per week basis to victims of domestic violence and their children. [Formerly 184.885; 1983 c.480 §1]

Note: 108.610 to 108.660 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 108 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

108.620 Grants and contracts for programs to prevent family violence; conditions. (1) The assistant director may make grants to and enter into contracts with nonprofit private organizations or public agencies for programs and projects designed to prevent, identify and treat family violence. Grants or contracts under this subsection may be:

(a) For the funding of shelter homes for spouses and children who are or have experienced family violence including acquisition and maintenance of shelter homes;

(b) For the funding of crisis lines providing services to victims of domestic violence and their families;

(c) For the funding of safe houses for victims of domestic violence and their families; and

(d) For the development and establishment of programs for professional and paraprofessional personnel in the fields of social work, law enforcement, education, law, medicine and other relevant fields who are engaged in the field of the prevention, identification and treatment of family violence and training programs in methods of preventing family violence.

(2) The assistant director shall not make a grant to any organization or agency under this section except on the condition that a local governmental unit or community organization provide matching moneys equal to 25 percent of the amount of the grant. The applying organization itself may contribute to or provide the required local matching funds. The value of in kind contributions and volunteer labor from the community may be computed and included as a part of the local matching requirement imposed by this subsection.

(3) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.505 and 192.610 to 192.990:

(a) The assistant director may by rule provide that the locations of premises utilized for shelter homes or other physical facilities in family violence programs and projects shall be kept confidential.

(b) All information maintained by the shelter home, safe house or crisis line relating to clients is confidential. However, crisis lines specifically funded to provide services for victims of child abuse are subject to the requirements of ORS 418.740 to 418.775. Ex-

cept for the names of clients, necessary information may be disclosed to the assistant director. [Formerly 184.890; 1983 c.480 §2]

Note: See note under 108.610.

108.630 Minimum standards. The assistant director shall establish minimum standards to insure that shelter homes and safe houses receiving grants under ORS 108.620 provide services meeting basic survival needs, including, but not limited to, food, clothing, housing, safety, security, client advocacy and counseling. [1981 c.357 §5; 1983 c.480 §3]

Note: See note under 108.610.

108.640 Eligibility for grants. (1) A public agency or nonprofit private organization operating a shelter home or safe house may apply to the assistant director for a grant under ORS 108.620. The agency or organization must submit to the assistant director, at the time of application:

(a) A statement of services provided;

(b) Proof of maintenance of accurate and complete financial records;

(c) Assurance of compliance with local building, fire and health codes for existing structures;

(d) Clearly defined written intake and referral policies and procedures; and

(e) If operated by a private organization, a list of members of the governing board.

(2) The assistant director shall approve or reject applications within 60 days after receipt. The assistant director shall mail written notification to the applicant no later than five working days following final action taken on the application.

(3) The assistant director shall consider the geographic area of the state from which an application is submitted to the end that all areas of the state develop programs to deal with domestic violence. [1981 c.357 §§6, 8; 1983 c.480 §4]

Note: See note under 108.610.

108.650 Eligibility for services; referrals. Services provided by shelter homes, safe houses and crisis lines receiving grants or other financial assistance under ORS 108.620 shall be made accessible and available to all persons who reside in the area served who may need the services. If a shelter home, safe house or crisis line receiving funds pursuant to ORS 108.620 to 108.660 is unable to provide necessary services to a client, it shall refer the client to alternative community resources. [1981 c.357 §7]

Note: See note under 108.610.

108.660 Domestic Violence Fund. (1) There is established the Domestic Violence Fund in the Children's Services Account of the General Fund established under ORS 409.240.

(2) All moneys received by the assistant director under ORS 106.045 (2) and any other funds allocated for expenditure under ORS 108.620 shall be credited to the Domestic Violence Fund.

(3) All moneys credited to the Domestic Violence Fund are continuously appropriated for the purposes of ORS 108.620 to be expended by the assistant director as provided in ORS 108.610 and 108.620. However, the assistant director shall expend not more than 10 percent of such moneys for administrative costs of the Children's Services Division incurred under ORS 108.610 and 108.620. [1981 c.357 §9; 1983 c.480 §5]

Note: See note under 108.610.

PREMARITAL AGREEMENTS

108.700 Definitions for ORS 108.700 to 108.740. As used in ORS 108.700 to 108.740:

(1) "Premarital agreement" means an agreement between prospective spouses made in contemplation of marriage and to be effective upon marriage.

(2) "Property" means an interest, present or future, legal or equitable, vested or contingent, in real or personal property, including income and earnings. [1987 c.715 §1]

Note: 108.700 to 108.740 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 108 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

108.705 Agreement to be in writing; consideration not required. A premarital agreement must be in writing and signed by both parties. It is enforceable without consideration. [1987 c.715 §2]

Note: See note under 108.700.

108.710 Subjects of agreement; child support not to be adversely affected. (1) Parties to a premarital agreement may contract with respect to:

(a) The rights and obligations of each of the parties in any of the property of either or both of them whenever and wherever acquired or located;

(b) The right to buy, sell, use, transfer, exchange, abandon, lease, consume, expend, assign, create a security interest in, mortgage, encumber, dispose of or otherwise manage and control property;

(c) The disposition of property upon separation, marital dissolution, death or the occurrence or nonoccurrence of any other event;

(d) The modification or elimination of spousal support;

(e) The making of a will, trust or other arrangement to carry out the provisions of the agreement;

(f) The ownership rights in and disposition of the death benefit from a life insurance policy;

(g) The choice of law governing the construction of the agreement; and

(h) Any other matter, including their personal rights and obligations, not in violation of public policy or a statute imposing a criminal penalty.

(2) The right of a child to support may not be adversely affected by a premarital agreement. [1987 c.715 §3]

Note: See note under 108.700.

108.715 Agreement effective upon marriage. A premarital agreement becomes effective upon marriage. [1987 c.715 §4]

Note: See note under 108.700.

108.720 Modification of agreement; consideration not required. After marriage, a premarital agreement may be amended or revoked only by a written agreement signed by the parties. The amended agreement or the revocation is enforceable without consideration. [1987 c.715 §5]

Note: See note under 108.700.

108.725 Party may prove agreement unenforceable; when court may require support; determination of unconscionability. (1) A premarital agreement is not enforceable if the party against whom enforcement is sought proves that:

(a) That party did not execute the agreement voluntarily; or

(b) The agreement was unconscionable when it was executed and, before execution of the agreement, that party:

(A) Was not provided a fair and reasonable disclosure of the property or financial obligations of the other party;

(B) Did not voluntarily and expressly waive, in writing, any right to disclosure of the property or financial obligations of the other party beyond the disclosure provided; and

(C) Did not have, or reasonably could not have had, an adequate knowledge of the property or financial obligations of the other party.

(2) If a provision of a premarital agreement modifies or eliminates spousal support and that modification or elimination causes one party to the agreement to be eligible for support under a program of public assistance at the time of separation or marital dissolution, a court, notwithstanding the terms of the agreement, may require the other party to provide support to the extent necessary to avoid that eligibility.

(3) An issue of whether a premarital agreement is unconscionable shall be decided by the court as a matter of law. [1987 c.715 §6]

Note: See note under 108.700.

108.730 Effect of void marriage. If a marriage is determined to be void, an agreement that would otherwise have been a premarital agreement is enforceable only to the extent necessary to avoid an inequitable result. [1987 c.715 §7]

Note: See note under 108.700.

108.735 Statute of limitations; defenses. Any statute of limitations applicable to an action asserting a claim for relief under a premarital agreement is tolled during the marriage of the parties to the agreement. However, equitable defenses limiting the time for enforcement, including laches and estoppel, are available to either party. [1987 c.715 §8]

Note: See note under 108.700.

108.740 Citation; construction; severability. (1) ORS 108.700 to 108.740 may be cited as the Uniform Premarital Agreement Act.

(2) ORS 108.700 to 108.740 shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this Act among states enacting it.

(3) If any provision of ORS 108.700 to 108.740 or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of ORS 107.700 to 108.740 which can be given effect without the invalid provision or application, and to this end the provisions of ORS 107.700 to 108.740 are severable. [1987 c.715 §9]

Note: See note under 108.700.