

WFG Underwriting Bulletin



To: All Ohio Policy Issuing Agents of WFG National Title Insurance Company
From: WFG Underwriting Department
Date: March 14, 2025
Bulletin No. OH 2025-02
Subject: Marital Rights (Dower) and Recitation of Marital Status in Ohio

BACKGROUND:

WFG has received a rash of underwriting questions and a few claims where either dower was not released or the marital status of the grantor(s) was not recited in the deed or mortgage. Ohio remains one of three traditional dower states. As a result, the Ohio Title Standards hold the failure to recite the marital status of the grantor(s) is a title defect for fifty years.

UNDERWRITING STANDARD FOR DOWER:

A non-titled spouse must join in the execution of a deed or mortgage to release dower.

It does not matter whether the property is residential, commercial or agricultural nor does it matter that said spouse is not a resident of Ohio. If a married individual is in title, their spouse must release dower.

Additionally, dower cannot be conveyed or released in favor of the grantor's spouse. It is against the public policy of the State of Ohio to give effect to "spousal disclaimer deeds" whereby dower is conveyed to the grantor's spouse.

Ohio Title Standard 3.6 Problem B and Standard B provides:

Problem B: Should an objection be made to a title when the chain of title discloses that the grantor previously had a spouse who did not release dower?

Standard B: Yes, unless omission of the release is satisfactorily explained.

Dower is equal to the value of a life estate in an undivided one-third interest. That interest is worth a lot more than you would think making the failure to obtain a release of dower when the individual grantor(s) is/are married an expensive and preventable claim.

NOTE: This Bulletin is for the sole purpose of establishing underwriting positions and policies reflecting WFG National Title Insurance Company's best business judgment. The information contained in this Bulletin is intended solely for the use of employees of WFG National Title Insurance Company, its title insurance agents and approved attorneys. Disclosure to any other person is expressly prohibited unless approved in writing by the WFG National Title Insurance Company's Underwriting Department.

The Agent may be held responsible for any loss sustained as a result of the failure to follow the standards set forth above.

UNDERWRITING STATUS FOR RECITING MARITAL STANDARD:

When the grantor(s) of a deed or mortgage is an individual(s), their marital status must be recited. If marital status of the grantor is not recited in a deed, you must make a requirement: "Deed from the unknown spouse of [Insert name of grantor in prior deed]."

The Ohio Title Standards provide guidance on this issue:

Ohio Title Standard 3.6 Problem and Standard A provides:

Problem A: After what lapse of time should the omission from a deed of a recital of grantor's marital status not be regarded as a defect?

Standard A: The omission of such recital is not a defect when the deed has been of record for more than fifty years, in the absence of notice of subsequent facts indicating the contrary.

Ohio Title Standard 3.6 Problem and Standard D provides what is and is not a proper recitation of marital status:

Problem D: Should the descriptive terms "single," "widow," and "widower," be considered a sufficient showing of marital status?

Standard D: Yes.

Comment D: The descriptive term "relict" is not sufficient. The term "divorced" should include the additional descriptive phrase of "and not remarried" to indicate current marital status. The examining attorney is directed to traditional and long standing legal definitions defining "widow" and "widower" as indicating someone whose spouse is deceased and who has not remarried. If the individual has remarried, current marital status should be indicated.

SUMMARY

When a married individual is in title, their spouse must execute the deed or mortgage to release dower. All deeds or mortgages granted by individuals must recite their marital status unless the instrument has been of record for at least 50 years.

The person drafting the deed or mortgage should take care to clearly indicate who a grantor's spouse actually is.

A full copy of The Ohio Title Standards is available on the WFG Underwriting site (click on "Ohio", then "Guidelines") or at this link: [Ohio Title Standards](#)

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