

**392.120 Jointure -- When a bar to dower or curtesy -- Waiver of -- Indemnity for loss of.**

- (1) A conveyance or devise of real or personal estate, by way of jointure, may bar the surviving spouse's interest in the property and estate of the deceased spouse. If, however, the jointure is made before marriage without the surviving spouse's consent, or during the surviving spouse's infancy the surviving spouse may, within twelve (12) months after decedent's death, waive the jointure by written relinquishment, acknowledged or proved before, and left with, the county clerk, and have dower, curtesy, or share of the estate as provided by KRS 392.020. A copy of such relinquishment shall be filed with the clerk of the court in which probate was made. When the surviving spouse so demands and receives dower, curtesy or such share of decedent's estate, the estate conveyed or devised in lieu of dower or curtesy shall determine and revert to the heirs or representatives of the grantor or devisor.
- (2) Where the surviving spouse is lawfully deprived of jointure, or any part of jointure, and not through any act of the surviving spouse's own, the surviving spouse shall have indemnity for jointure out of decedent's estate.

**Effective:** June 17, 1978

**History:** Amended 1978 Ky. Acts ch. 384, sec. 514, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 353, effective January 2, 1978. -- Amended 1974 Ky. Acts ch. 386, sec. 83. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 2136, 2137.