



CHAPTER 52

N.C.G.S. § 52-10.

Contracts between husband and wife generally; releases.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
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§ 52-10(a)

Contracts between husband and wife not inconsistent with public policy are valid, and any persons of full age about to be married and married persons may, with or without a valuable consideration, release and quitclaim rights they might respectively acquire or may have acquired by marriage in the property of each other. These releases may be pleaded in bar of any action or proceeding for the recovery of the rights and estate released. No contract or release between husband and wife made during their marriage affects either of the following, unless it is in writing and is acknowledged by both parties before a certifying officer:

- (1) Either spouse's real property.
- (2) Income from either spouse's real property accruing more than three years after the execution of the contract or release.

§ 52-10(a1)

A contract between a husband and wife made, with or without a valuable consideration, during a period of separation to waive, release, or establish rights and obligations to postseparation support, alimony, or spousal support is valid and not inconsistent with public policy. A provision waiving, releasing, or establishing rights and obligations to postseparation support, alimony, or spousal support remains valid following a period of reconciliation and subsequent separation, if the contract satisfies all of the following requirements:

- (1) The contract is in writing.
- (2) The provision waiving the rights or obligations is clearly stated in the contract.

(3) The contract was acknowledged by both parties before a certifying officer.

A release made pursuant to this subsection may be pleaded in bar of any action or proceeding for the recovery of the rights released.

§ 52-10(b)

A certifying officer under this section shall be a notary public, or a justice, judge, magistrate, clerk, assistant clerk, or deputy clerk of the General Court of Justice, or the equivalent or corresponding officers of the state, territory, or foreign country where the acknowledgment is made. The officer shall not be a party to the contract.

§ 52-10(c)

This section does not apply to any judgment of the superior court or other State court of competent jurisdiction that, by reason of its being consented to by a husband and wife, or their attorneys, may be construed to constitute a contract or release between the husband and wife. (1871-2, c. 193, s. 28; Code, s. 1836; Rev., s. 2108; C.S., s. 2516; 1959, c. 879, s. 12; 1965, c. 878, s. 1; 1977, c. 375, s. 2; 2013-140, s. 1; 2025-25, s. 1(d).)

END OF SECTION TEXT

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APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 52-10 (2026).

PINPOINT

N.C. Gen. Stat. § 52-10(a) (2026).

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