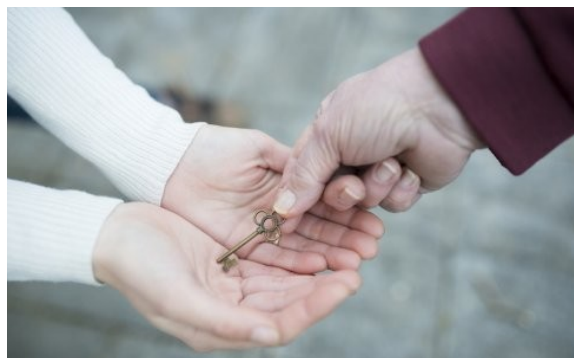


Will My Spouse Get My Inheritance in Divorce?

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Oftentimes, inheritances are considered separate property and are *not* divided in divorce. That means if you received money, real estate, or other property through an inheritance that was left specifically to you, it usually remains yours alone.

There are important exceptions you need to be aware of:

- **Commingling.** If you mixed your inheritance with marital funds, such as depositing inherited money into a joint account or using it to pay for a jointly owned home, it may lose its separate character and be treated as marital property.

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Using the Inheritance for the Marriage. If inherited funds were used to benefit the family (paying down the mortgage, covering household expenses, or investing in a shared business), a court might find that some or all of the inheritance should be shared.

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Appreciation or Growth. Even if you kept the inheritance in your own name, any increase in its value during the marriage may be subject to division, especially if your spouse contributed to that growth. For example, if you inherited a rental property and your spouse helped manage or renovate it, part of the appreciation might be considered marital.

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Prenuptial or Postnuptial Agreements. If you and your spouse signed an agreement about inheritances, the terms of that agreement will generally control.

There are actions you can take to protect your inheritance. For instance, keep inheritances separate from marital accounts, title inherited property in your sole name only, keep clear records that trace the inheritance, and consider a marital agreement to define how inherited property is treated in the event of a divorce.

Inherited property can become vulnerable if it was commingled or used for marital purposes. Because state laws vary, it's important to talk with your divorce attorney about your specific situation.