

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	8 - 0 - 1
Yeas:	Barker, Bonamici, Cameron, Flores, Komp, Krieger, Whisnant, Macpherson
Nays:	0
Exc.:	Read
Prepared By:	Matt Kalmanson, Counsel
Meeting Dates:	1/25

WHAT THE MEASURE DOES: Clarifies ORS 93.180, which concerns conveyances or devises of property to two or more persons. Establishes that a conveyance or devise to two or more people creates a tenancy in common unless the grantees clearly and expressly declare that they have rights of survivorship. Establishes that a conveyance or devise to a husband and wife is a tenancy by the entirety unless the conveyance expressly declares otherwise. Establishes that a conveyance or devise to a trustee or personal representative creates a joint tenancy, unless the conveyance or devise clearly and expressly declares otherwise.

ISSUES DISCUSSED:

- The law and practice of conveyances of property to two or more persons
- Impact of ambiguities in ORS 93.180

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: HB 2365 updates ORS 93.180 to remove potentially ambiguous language. As currently drafted, ORS 93.180 provides that a conveyance to two or more people creates a tenancy in common, unless it is to a “husband and wife, as such” or the conveyance expressly references a right of survivorship. A “tenancy in common” creates rights for each property owner that can be passed to their individual heirs, while a “right of survivorship” means that the interest in the property passes to the surviving owner. There is some confusion over the meaning of the phrase, “as such.” HB 2365 removes that phrase and gives the statute a more logical form that conforms with court opinions and practice. It is not intended to make substantive changes to the law of conveyances.