

# House Bill 2365

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Judiciary for Oregon State Bar Real Estate and Land Use Section)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Conforms language to modern form and style requirements. Clarifies that existing language abolishing joint tenancy is limited and applicable only to tenancies in real property.

## A BILL FOR AN ACT

1  
2 Relating to tenancies in real property; creating new provisions; and amending ORS 93.180.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 93.180 is amended to read:

5 93.180. [*Every conveyance or devise of lands, or interest therein, made to two or more persons,*  
6 *other than to a husband and wife, as such, or to executors or trustees, as such, creates a tenancy in*  
7 *common unless it is in some manner clearly and expressly declared in the conveyance or devise that*  
8 *the grantees or devisees take the lands with right of survivorship. Such]*

9 **(1) A conveyance or devise of real property, or an interest in real property, that is made**  
10 **to two or more persons:**

11 **(a) Creates a tenancy in common unless the conveyance or devise clearly and expressly**  
12 **declares that the grantees or devisees take the real property with right of survivorship.**

13 **(b) Creates a tenancy by the entirety if the conveyance or devise is to a husband and wife**  
14 **unless the conveyance or devise clearly and expressly declares otherwise.**

15 **(c) Creates a joint tenancy as described in ORS 93.190 if the conveyance or devise is to**  
16 **a trustee or personal representative.**

17 **(2) A declaration of a right to survivorship [*shall create*] creates a tenancy in common in the**  
18 **life estate with cross-contingent remainders in the fee simple.**

19 **(3) Except as provided in ORS 93.190, joint tenancy in real property is abolished and the use**  
20 **in a conveyance or devise of the words "joint tenants" or similar words without any other indication**  
21 **of an intent to create a right of survivorship [*shall create*] creates a tenancy in common.**

22 **SECTION 2. The amendments to ORS 93.180 by section 1 of this 2007 Act apply to**  
23 **conveyances or devises that are made on or after the effective date of this 2007 Act.**

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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.