

which can be given effect without the invalid provision or application, and to this end any section, sentence, or word is declared to be severable.

Filed in the office of the Secretary of State January 13, 1960.

Passed by the vote of the people November 8, 1960 at the state general election.

Proclamation signed by the Governor December 8, 1960 declaring measure effective law.

CHAPTER 2.

[INITIATIVE MEASURE NO. 208.]

AUTHORIZING JOINT TENANCIES IN PROPERTY.

AN ACT relating to property; authorizing joint tenancies in real and personal property with common law incidents of survivorship and severability; allowing property rights of a deceased joint tenant to pass immediately upon death to the surviving joint tenant; prescribing methods and requirements for the creation of joint tenancies; providing that the transfer of property to surviving joint tenants shall not derogate from the rights of creditors; and repealing existing laws which abolished the right of survivorship as an incident of joint tenancies or tenancy by the entireties.

Be it enacted by the People of the State of Washington:

Joint tenancy,
created,
defined.

SECTION 1. Whereas joint tenancy with right of survivorship permits property to pass to the survivor without the cost or delay of probate proceedings, there shall be a form of co-ownership of property, real and personal, known as joint tenancy. A joint tenancy shall have the incidents of survivorship and severability as at common law. Joint tenancy may be created by written agreement, written transfer, deed, will or other instrument of conveyance, when expressly declared therein to be a joint tenancy, or when granted or devised to executors or trustees as joint tenants: *Provided however*, That

such transfer shall not derogate from the rights of creditors.

SEC. 2. Every interest created in favor of two or more persons in their own right is an interest in common, unless acquired by them in partnership, for partnership purposes, or unless declared in its creation to be a joint tenancy, as provided in section 1, or unless acquired as community property or unless acquired by executors or trustees.

Interest in common, defined.

SEC. 3. The provisions of this act shall not restrict the creation of a joint tenancy in a bank deposit or in other choses in action as heretofore or hereafter provided by law, nor restrict the power of husband and wife to make agreements as provided in RCW 26.16.120.

Savings.

SEC. 4. Section 1, page 165, Laws of 1885, section 1, chapter 270, Laws of 1953, and RCW 11.04.070 are each repealed.

Repeal.

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