

## CHAPTER 270.

[ H. B. 374. ]

## JOINT TENANCY—COMMUNITY PROPERTY.

AN ACT relating to the abolishment of survivorship by the Territorial Laws of 1885; amending section 11.04.070, RCW; abrogating joint tenancy, tenancy by the entireties and the right of survivorship; making exceptions thereto; and declaring an emergency.

## PREAMBLE

That this act is passed:

(a) In the interest of affirming by law the general prevailing view as to the effect of RCW 11.04.070 that tenancy by the entireties has been superseded by the community property system and joint tenancy has in practical effect been converted into tenancy in common and since the right of survivorship has generally been regarded by lawyers, judges and legislators as having been abrogated; and

(b) Because it is deemed desirable to remove some uncertainties as to the application of the existing laws relative thereto resulting in confusion among persons dealing with property rights, now therefore:

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Section 11.04.070, RCW, as derived from section 1, page 165, Laws of 1885, is amended to read as follows: Amendment.

The right of survivorship by agreement or otherwise as a principle and as an incident of joint tenancy or of tenancy by the entireties is abolished. If partition is not made between joint tenants, the parts of those who die first shall not accrue to the survivors, but descend, or pass by devise, and shall be subject to debts and other legal charges, or transmissible to executors or administrators, and be considered, to every intent and purpose, in the same view as if such

Survivorship  
between  
joint tenants  
abolished.

deceased joint tenants had been tenants in common:  
*Provided*, That this section shall not apply in the following circumstances:

Exceptions.

(1) As between husband and wife in dealing with community property as otherwise provided by statute.

(2) As to property and rights where the right of survivorship has been or may be revived by statute.

(3) As to property and rights conveyed to trustees while subject to the trust.

Emergency.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health or safety. support of the state government and its existing public institutions and shall take effect immediately.

Passed the House February 27, 1953.

Passed the Senate March 10, 1953.

Approved by the Governor March 23, 1953.