

**Enrolled**  
**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)

CHAPTER .....

AN ACT

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

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

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

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

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

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

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

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

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

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

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

**Passed by House February 8, 2007**

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Chief Clerk of House

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Speaker of House

**Passed by Senate March 26, 2007**

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President of Senate

**Received by Governor:**

.....M,....., 2007

**Approved:**

.....M,....., 2007

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Governor

**Filed in Office of Secretary of State:**

.....M,....., 2007

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Secretary of State