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SENATE BILL 5067

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State of Washington

53rd Legislature

1993 Regular Session

By Senators A. Smith, McCaslin and Nelson

Read first time 01/11/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to joint tenancy; and amending RCW 64.28.010 and  
2 64.28.040.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 64.28.010 and 1963 ex.s. c 16 s 1 are each amended to  
5 read as follows:

6 Whereas joint tenancy with right of survivorship permits property  
7 to pass to the survivor without the cost or delay of probate  
8 proceedings, there shall be a form of co-ownership of property, real  
9 and personal, known as joint tenancy. A joint tenancy shall have the  
10 incidents of survivorship and severability as at common law, including  
11 the unilateral right of each tenant to sever the joint tenancy. Joint  
12 tenancy shall be created only by written instrument, which instrument  
13 shall expressly declare the interest created to be a joint tenancy. It  
14 may be created by a single agreement, transfer, deed, will, or other  
15 instrument of conveyance, or by agreement, transfer, deed or other  
16 instrument from a sole owner to himself and others, or from tenants in  
17 common or joint tenants to themselves or some of them, or to themselves  
18 or any of them and others, or from husband and wife, when holding title  
19 as community property, or otherwise, to themselves or to themselves and

1 others, or to one of them and to another or others, or when granted or  
2 devised to executors or trustees as joint tenants: PROVIDED, That such  
3 transfer shall not derogate from the rights of creditors.

4 **Sec. 2.** RCW 64.28.040 and 1985 c 10 s 2 are each amended to read  
5 as follows:

6 (1) Joint tenancy interests held in the names of a husband and  
7 wife, whether or not in conjunction with others, are presumed to be  
8 their community property, the same as other property held in the name  
9 of both husband and wife. Any such interest passes to the survivor of  
10 the husband and wife as provided for property held in joint tenancy,  
11 but in all other respects the interest is treated as community  
12 property.

13 (2) Either husband or wife, or both, may sever a joint tenancy.  
14 When a joint tenancy is severed, the property, or proceeds of the  
15 property, shall be presumed to be their community property, whether it  
16 is held in the name of the husband or wife, or both.

17 (3) This section applies as of January 1, 1985, to all existing or  
18 subsequently created joint tenancies.

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