CERTIFICATION OF ENROLLMENT

SENATE BILL 5067

Chapter 19, Laws of 1993

53rd Legislature
1993 Regular Session

JOINT TENANCY--SEVERANCE OF

EFFECTIVE DATE: 7/25/93

Passed by the Senate February 17, 1993
YEAS 46 NAYS 0

President of the Senate

Passed by the House April 6, 1993
YEAS 98 NAYS 0

Speaker of the House of Representatives

Approved April 14, 1993

Secretary

MIKE LOWRY
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to joint tenancy; and amending RCW 64.28.010 and 64.28.040.

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

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

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, including the unilateral right of each tenant to sever the joint tenancy. Joint tenancy shall be created only by written instrument, which instrument shall expressly declare the interest created to be a joint tenancy. It may be created by a single agreement, transfer, deed, will, or other instrument of conveyance, or by agreement, transfer, deed or other instrument from a sole owner to himself and others, or from tenants in common or joint tenants to themselves or some of them, or to themselves or any of them and others, or from husband and wife, when holding title as community property, or otherwise, to themselves or to themselves and
 Sec. 2. RCW 64.28.040 and 1985 c 10 s 2 are each amended to read as follows:

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

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

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

Passed the Senate February 17, 1993.
Passed the House April 6, 1993.
Approved by the Governor April 14, 1993.
Filed in Office of Secretary of State April 14, 1993.