

# H.B. 276

## JOINT TENANCY PRESUMPTION AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 10, 2022 10:23 AM

Representative **Calvin R. Musselman** proposes the following amendments:

1. *Page 1, Line 26 through Page 2, Line 30:*

26 (1) (a) (i) (A) Beginning on May 5, 1997 and ending on May 3, 2022 , ~~{every}~~ an  
ownership interest in real estate granted to  
27 two persons in their own right who are designated as {+} **husband and wife** {+} ~~{spouses}~~ in  
the  
28 granting documents is presumed to be a joint tenancy interest with rights of survivorship,  
29 unless severed, converted, or expressly declared in the grant to be otherwise.

**(B) Beginning on May 4, 2022, an ownership interest in real estate granted to two persons in their own right who are designated as spouses in the granting documents is presumed to be a joint tenancy interest with rights of survivorship, unless severed, converted, or expressly declared in the grant to be otherwise.**

30 (ii) Except as provided in Subsection (1)(a)(iii), joint tenancy may be established

2. *Page 2, Lines 39 through 41:*

39 (b) ~~{Every}~~ An ownership interest in real estate that does not qualify for the joint tenancy  
40 presumption as provided in Subsection (1)(a) is presumed to be a tenancy in common interest  
41 unless expressly declared in the grant to be otherwise.