

VESTING

INDIVIDUALS

Tenants in Common:

A conveyance to two or more persons (except for husbands and wives, trustees and personal representatives) creates a tenancy in common, unless otherwise stated in the deed. Each tenant in common shares an undivided fee ownership in the property with the other tenant(s) in common. Unless otherwise stated, the interests of the tenants in common are presumed to be equal (ORS 93.180).

Tenants by the Entirety:

A conveyance to husband and wife creates a tenancy by the entirety, so long as no contrary intent is stated in the deed. The grantees must be legally married. To avoid subsequent confusion, the deed should include the words "husband and wife" after the grantees' names. Each spouse owns all the interest in the property subject to each of their respective survivorship interests. Upon death, the deceased spouse's interest in the property is automatically extinguished and the property passes to the surviving spouse. The death certificate must be recorded in the county where the property is located.

Right of Survivorship:

Joint tenancy was abolished in Oregon more than thirty years ago. Oregon law does allow for the creation of a survivorship estate among individuals. (ORS 93.180) A conveyance to individual grantees, "not as tenants in common but with right of survivorship" creates concurrent life estates with cross-contingent remainders in the fee title. Upon death, the deceased owner's interest in the property is automatically extinguished and the property passes to the surviving owner(s). The death certificate must be recorded in the county where the property is located.

Domestic Partners:

Under the Oregon Family Fairness Act of 2007, domestic partners registered in Oregon have all the rights and obligations of spouses under Oregon law. Because tenancy by the entirety is an estate reserved to married persons, it is unclear whether a conveyance to registered domestic partners in Oregon automatically creates a right of survivorship. Until the law is clarified, a deed to Oregon registered partners should expressly state whether they intend to take title with right of survivorship or as tenants in common. When the grantees are Oregon registered domestic partners and wish to take title with right of survivorship, the deed should expressly so state, e.g., "A and B, as registered domestic partners with right of survivorship."

