

By Mr. Mofenson of Newton, petition of David J. Mofenson for legislation to clarify the law relative to tenancy of two or more in personal property. The Judiciary.

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**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-Five.

AN ACT CLARIFYING THE LAW RESPECTING TENANCIES OF TWO OR MORE IN PERSONAL PROPERTY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 7 of Chapter 184 of the General Laws,  
2 as last amended by Chapter 210 of the Acts of 1973, is hereby  
3 further amended by striking said Section 7 as now constituted  
4 and by substituting the following:—

5 A conveyance, devise or other transfer of real or personal  
6 property to two or more persons or to husband and wife, except  
7 a mortgage or transfer in trust, shall create an estate in common  
8 and not in joint tenancy, unless it is expressed in such  
9 conveyance, devise or other transfer that the grantee, devisee or  
10 other transferee shall take jointly, or as joint tenants, or in joint  
11 tenancy, or to them and the survivor of them, or unless it  
12 manifestly appears from the tenor of the instrument that it was  
13 intended to create an estate in joint tenancy.

14 A conveyance, devise or other transfer of real or personal  
15 property to a husband and wife which expressly states that the  
16 transferees shall take jointly, or as joint tenants, or in joint  
17 tenancy, or to them and the survivor of them shall create an  
18 estate in joint tenancy and not a tenancy by the entirety, but a  
19 conveyance, devise or other transfer to a husband and wife shall,  
20 if the instrument evidencing the transfer expressly so states, vest  
21 in the transferees a tenancy by the entirety.

22 In a conveyance, devise or other transfer to three or more  
23 persons, words creating a joint tenancy shall be construed as

24 applying to all of the transferees, regardless of marital status,  
25 unless a contrary intent appears from the tenor of the  
26 instrument.

1 SECTION 2. Section 8 of Chapter 184 of the General Laws is  
2 hereby amended by striking said Section 8 as now constituted  
3 and by substituting the following:—

4 Real and personal property, including any interest therein,  
5 may be transferred by a person to himself jointly with another  
6 person in the same manner in which it might be transferred by  
7 him to another person, and a transfer of real or personal  
8 property by a person to himself and his spouse as tenants by the  
9 entirety shall create a tenancy by the entirety.

1 SECTION 3. The provisions of Section 1 and Section 2, as  
2 they pertain to the transfers of personal property, shall apply to  
3 transfers made after the effective date thereof.