

1 S.10

2 Introduced by Senator Mullin of Rutland District

3 Referred to Committee on

4 Date:

5 Subject: Property; estates in real property; estate in common preferred to joint  
6 tenancy; joint tenancy with unequal shares

7 Statement of purpose: This bill proposes to sever a joint tenancy when one  
8 joint tenant unlawfully kills the other joint tenant.

9 AN ACT RELATING TO JOINT TENANCY

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 27 V.S.A. § 2 is amended to read:

12 § 2. ESTATE IN COMMON PREFERRED TO JOINT TENANCY; JOINT  
13 TENANCY WITH UNEQUAL SHARES

14 (a) Conveyances and devises of lands, whether for years, for life or in fee,  
15 made to two or more persons, shall be construed to create estates in common  
16 and not in joint tenancy, unless it is expressed therein that the grantees or  
17 devisees shall take the lands jointly or as joint tenants or in joint tenancy or to  
18 them and the survivors of them. This provision shall not apply to devises or  
19 conveyances made in trust or made to husband and wife or to conveyance in

1 which it manifestly appears from the tenor of the instrument that it was  
2 intended to create an estate in joint tenancy.

3 (b)(1) An instrument may create a joint tenancy in which the interests of  
4 the joint tenants are equal or unequal.

5 (2) Unless the instrument creating a joint tenancy contains language  
6 indicating a contrary intent:

7 (A) It shall be presumed that the joint tenants' interests are equal.

8 (B) Upon the death of a joint tenant, the deceased joint tenant's  
9 interest shall be allocated among the surviving joint tenants, as joint tenants, in  
10 proportion to their respective joint interests at the time of the deceased joint  
11 tenant's death.

12 (c) Any joint tenant who unlawfully and intentionally kills another joint  
13 tenant thereby effects a severance of the interest of the decedent so that the  
14 share of the decedent passes immediately to the decedent's estate, and the  
15 killer has no rights of survivorship.