

MAINE STATE LEGISLATURE

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N I N E T Y - S E C O N D L E G I S L A T U R E

Legislative Document

No. 421

H. P. 813

House of Representatives, February 7, 1945.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Haskell of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

AN ACT Relating to Joint Tenancies in Real Estate.

Be it enacted by the People of the State of Maine, as follows:

R. S., c. 154, § 13, amended. Section 13 of chapter 154 of the revised statutes is hereby amended to read as follows:

'Sec. 13. Creation of joint tenancies in real estate. Conveyances not in mortgage, and devises of land to two or more persons, create estates in common, unless otherwise expressed. ~~Estates vested in survivors upon the principle of joint tenancy shall be so held.~~

A joint tenancy in real estate shall be created, without regard to the usual unities of title, provided that

I. In the case of a conveyance by devise, a clear and manifest intention to create a joint tenancy in the grantees is apparent. The use of the words "as joint tenants and not as tenants in common," following the designation of the grantees, shall be deemed a sufficient expression of intent to create a joint tenancy in a devise.

II. In the case of a conveyance by deed, the granting and habendum clauses thereof shall contain the words "To (name of grantees), as joint

tenants and not as tenants in common, their heirs and assigns, and the survivor of them, and the heirs and assigns of such survivor.”

After a joint tenancy has been created, no conveyance by mortgage executed by the original grantees, shall be deemed thereby to have destroyed said joint tenancy.

Nothing herein contained shall be deemed to apply to joint tenancies in personal property, or as to joint tenancies in real estate created prior to the date of this section becoming effective.’