

By warranty deed, a woman conveyed her property to her two closest friends "as joint tenants with right of survivorship." The two friends are not related. The first friend conveyed all her interest to her son by warranty deed and subsequently died intestate. Thereafter, the second friend conveyed all her interest to her husband by warranty deed. There is no applicable statute, and the jurisdiction recognizes the common law joint tenancy.

Who owns title to the property?

- A. The husband.
- B. The husband and the heirs of the first friend.
- C. The husband and the son.
- D. The woman.

Explanation:

Concurrent estates

(property shared by two or more persons)

Type	Attributes	Transferability
Tenancy in common	Separate & possibly unequal shares of property Equal right to possess entire property No right of survivorship	Alienable during life Devisable Inheritable
Joint tenancy	Undivided & equal shares of property* Equal right to possess entire property Right of survivorship	Alienable during life (but severs tenancy)
Tenancy by entirety	Joint tenancy between married persons	Alienable with spouse's consent

*Some jurisdictions permit joint tenants to own unequal interests.

A **joint tenancy** is a type of concurrent estate in which each co-tenant has an undivided and equal interest in the property with the **right of survivorship**. A lifetime transfer of a joint tenant's interest severs that interest from the joint tenancy relationship, and it becomes a tenancy-in-common ownership interest.

Here, the two friends owned the property as joint tenants with the right of survivorship. The first friend conveyed her property interest to her son during her lifetime. This converted the joint tenancy into a tenancy in common between the son and the second friend. The second friend then conveyed her property interest (tenancy in common) to her husband. Therefore, the husband and the son own title as tenants in common (**Choices A & D**).

(Choice B) Since the first friend conveyed her property interest to her son, her heirs had no property interest to inherit upon her death. But even if that conveyance had not been made (ie, had the joint tenancy continued), the first friend's property interest would have gone to the second friend—the surviving co-tenant. And the second friend's subsequent conveyance to her husband would have given him exclusive ownership of the property.

Educational objective:

A lifetime transfer of a joint tenant's interest severs that interest from the joint tenancy relationship, and it becomes a tenancy-in-common ownership interest.

References

20 Am. Jur. 2d Cotenancy and Joint Ownership § 22 (2018) (severance of joint tenancy).

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