

Tenancy by the Entireties

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States	Statutes Referencing	Case Law Referencing (If necessary)	Recognize? (Yes or No)
Alabama		<p><i>Donegan v. Donegan</i>, 15 So. 823, 824 (1893) (“...the reason of the rule of the common law, that they should take by entirety,--per tout, not per my,--has ceased to exist.”).</p> <p><i>First Nat'l Bank v. Lawrence</i>, 101 So. 663, 663-64 (Ala. 1924) (“As a result of our statutory system joint owners of property, real or personal, including husband and wife, holding by inheritance, grant, devise or gift, become tenants in common, each owning a moiety, which, upon death, passes under the statute of descents and distributions. There is no survivorship as an incident to such estate.”).</p>	No
Alaska (1)	ALASKA STAT. § 34.15.140(a)		Yes
Arizona	ARIZ. REV. STAT. ANN. §25-211	<i>Sigmund v. Rea</i> , 226 Ariz. 373, 376 (Ariz. Ct. App. 2011) (“The notion that married persons in Missouri hold property as "one person" is wholly different from the model of community property, under which a separate entity -- the community -- owns property, realizes the fruits of the spouses' efforts and bears the burden of the debts they each may incur.”).	No
Arkansas (2)		<i>Ford v. Felts</i> , 624 S.W.2d 449 (Ark. Ct. App. 1981) (“Arkansas follows the rule that a homestead may be acquired in land held by a husband and wife as tenants by entireties.”).	Yes
California		<i>Tischhauser v. Tischhauser</i> , 298 P.2d 551, 553 (Cal. App. 2d Dist. 1956) (“At respondent's behest and without knowledge or consent of appellant wife, the title to the ranch was placed in the spouses as tenants by the entirety, a common law estate	No

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		recognized by Oregon law, one which does not exist in California.”).	
Colorado	COLO. REV. STAT. § 38-31-201		No
Connecticut	CONN. GEN. STAT. § 47-14a		No
Delaware (3)		<i>Citizens Sav. Bank, Inc. v. Astrin</i> , 61 A.2d 419, 421 (Del. Super. Ct. 1948) (“...it appears that the only property involved in this litigation is the real estate owned by the bankrupt and his wife as tenants by the entirety. In Delaware, this type of ownership retains most, if not all, of its common law features.”).	Yes
District of Columbia (x)		<i>Travis v. Benson</i> , 360 A.2d 506, 509 (D.C. 1976) (“Although tenancy by the entirety has been eliminated in many states, it is still recognized in the District of Columbia.”).	Yes
Florida (4)	FLA. STAT. § 655.79.	<i>Beal Bank v. Almand & Assocs.</i> , 780 So.2d 45 (Fla. 2001).	Yes
Georgia		<i>State v. Jackson</i> , 399 S.E.2d 88, 91 (1990) (“While the doctrine of survivorship as applied to joint tenancies has been distinctly abolished and does not exist in this State, there is no law of this State that we are aware of which prevents parties . . . from expressly providing that an interest in property shall be dependent upon survivorship.”). <i>Spurlock v. Commercial Banking Co.</i> , 227 S.E.2d 790, 794 (Ga. Ct. App. 1976) (“Because of the abolition of joint tenancies, the interest created in a joint account or savings certificate with right of survivorship is a life estate with an alternative contingent remainder in fee simple.”).	No
Hawaii (5)	HAW. REV. STAT. § 509-2		Yes
Idaho		<i>In re Antonie</i> , 432 B.R. 843, 851 (Bankr. D. Idaho 2010) (“Debtor does not hold her interest in the mobile home by ‘entirety.’ And it has long been the law in Idaho that property	No

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		jointly-owned with another is subject to the claims of the co-owners' creditors.”).	
Illinois (6)	750 ILL. COMP. STAT. 65/22		Yes
Indiana (7)	IND. CODE ANN. § 32-17-3-1		Yes
Iowa		<i>Fay v. Smiley</i> , 207 N.W. 369, 371 (Iowa 1926) (“Assuming, for the purpose of this division of this opinion, that this deed, in the eyes of the common-law rule, would create an estate in entirety, we have to say that such a construction has never been recognized under the Iowa practice, and when attempts have been made to induce the court to make such construction, it has refused to do so. In the case of <i>Hoffman v. Stigers</i> , 28 Iowa 302, an attempt was made to have this court recognize an estate in entirety, and this was refused.”).	No
Kansas	K.S.A. § 58-501		No
Kentucky (8)	KY. REV. STAT. ANN. § 381.050		Yes
Louisiana	LA. C.C. ART. 3526; POWELL ON REAL PROPERTY 7-52, §52.01 (Matthew Bender, Pub., 2011) (“Louisiana. Tenancy by the entirety does not appear in state statutes or cases which, given the state’s civil law heritage, is not surprising.”).		No
Maine		<i>In re Peters</i> , 2003 Bankr. LEXIS 1335 (Bankr. E.D. Pa. Oct. 7, 2003) (“...property may not be owned as tenants by entireties in Maine. <i>Poulson v. Poulson</i> , 145 Me. 15, 70 A.2d 868 (1950) (tenancy by entirety has not existed in Maine since 1844).”).	No
Maryland (9)	MD. REAL PROP. CODE ANN § 4-108		Yes
Massachusetts(10)	MASS. ANN. LAWS ch. 209 § 1		Yes
Michigan (11)		<i>Butler v. Butler</i> , 332 N.W.2d 488, 490 (Mich. Ct. App. 1983) (“...the common law remains the law of Michigan, stated: "In this State, where the common law is unchanged by statute, a conveyance to husband and wife conveys an estate in entirety, but may	Yes

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		create one in joint tenancy or in common, if explicitly so stated in the deed”).	
Minnesota		<i>Wilson v. Wilson</i> , 45 N.W. 710, 711 (Minn. 1890) (“It would seem as though, the reason for the rule having ceased, and unity, so far as rights of property are concerned, no longer existing, the wife being as capable of taking and holding property as though she were unmarried, and she and her husband being no more considered as one person in the law as to property, there could no longer be any foundation for the rule. And the statute has very clearly abolished that sort of tenancy -- that is, by the entirety.”).	No
Mississippi (12)	MISS. CODE ANN. § 89-1-7		Yes
Missouri (13)	MO. REV. STAT. § 442.025		Yes
Montana	MONT. CODE ANNO., § 70-1-306	<i>Lurie v. Sheriff of Gallatin County</i> , 999 P.2d 342, 345 (Mont. 2000) (“Accordingly, we hold that the estate by the entirety is not a permissible mode of ownership of property in Montana.”).	No
Nebraska		<i>Sanderson v. Everson</i> , 141 N.W. 1025, 1026 (Neb. 1913) (“...the law of title by entirety does not exist in this state.”).	No
Nevada	NEV. REV. STAT. § 123.030		No
New Hampshire		<i>Estate of Croteau v. Croteau</i> , 722 A.2d 464, 466 (N.H. 1998) (“A divorce would automatically sever only a tenancy by the entirety, a form of ownership whose attributes are not recognized in New Hampshire.”).	No
New Jersey (14)	N.J. STAT. ANN. § 46:3-17.4		Yes
New Mexico	N.M. STAT. ANN § 40-3-2		No
New York (15)	NY CLS REAL PROP. § 240-b		Yes
North Carolina (16)	N.C. GEN. STAT §39-13.3		Yes

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North Dakota	N.D. CENT. CODE §47-02-08	<i>Renz v. Renz</i> , 256 N.W.2d 883, 885 (N.D. 1977) (“...North Dakota estates by the entirety have never been recognized.”).	No
Ohio (17)	OHIO REV. CODE ANN. § 5302.21	<i>Cent. Benefits Mut. Ins. Co. v. Ris Adm'Rs Agency</i> , 637 N.E.2d 291, 293 (Ohio 1994) (“Sub.S.B. No. 201, effective April 4, 1985, enacted the current version of R.C. 5302.17 and replaced the tenancy by the entireties with a survivorship tenancy. 140 Ohio Laws, Part I, 545, 556-557. However, Sub.S.B. No. 201 also enacted R.C. 5302.21, which provides that tenancies by the entireties created under former R.C. 5302.17 continue to be valid.”).	Yes
Oklahoma (18)	OKLA. STAT. tit. 60 § 74		Yes
Oregon (19)	OR. REV. STAT § 91.020	<i>Brownley v. Lincoln County</i> , 343 P.2d 529, 531 (Or. 1959) (“We have recognized in this state a form of concurrent ownership in real property by husband and wife which we have denominated a tenancy by the entirety...”).	Yes
Pennsylvania (20)	69 PA. STAT. ANN. § 541		Yes
Rhode Island (21)		<i>Bloomfield v. Brown</i> , 25 A.2d 354, 359 (R.I. 1942) (“The possibility of creating an estate by entirety has not been removed by the married women's act, provided that the intention to create such an estate clearly appears in the conveyance.”).	Yes
South Carolina	S.C. CODE ANN. § 27-7-40		No
South Dakota	S.D. Codified Laws § 25-2-3	<i>Schimke v. Karlstad</i> , 208 N.W.2d 710, 714 (S.D. 1973) (“With this long-standing history of legislation we conclude that estates by entireties have never been recognized as the law of this state.”).	No
Tennessee (22)	TENN. CODE ANN. §66-1-109		Yes
Texas		<i>In re Garrett</i> , 429 B.R. 220, 240 (Bankr. S.D. Tex. 2010) (“Texas does not recognize tenancies by the	No

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		entirety.”).	
Utah	UTAH CODE ANN. § 57-1-5 (7)		No
Vermont (23)	VT. STAT. ANN. tit.15 § 67		Yes
Virginia (24)		<i>Rogers v. Rogers</i> , 512 S.E.2d 821, 822 (Va. 1999) (“We have stated, clearly and without equivocation, that real property held as tenants by the entirety is exempt from the claims of creditors who do not have joint judgments against the husband and wife.”).	Yes
Washington	WASH. REV. CODE ANN. § 64.28.010		No
West Virginia		<i>Wartenburg v. Wartenburg</i> , 100 S.E.2d 562, 565 (W. Va. 1957) (“The rights of survivorship do not depend on the continued existence of common law estates by entirety. Such estates were created and existed at common law only by virtue of a fiction, a fiction not recognized in this State... effect of the statutes mentioned, especially Code, 36-1-19, we believe, completely abolishes common law estates by entirety.”).	No
Wisconsin		<i>Estate of Richardson v. Estate of Richardson</i> , 282 N.W. 585, 587 (Wis. 1938) (“Estates by entirety do not exist under the law of this state.”).	No
Wyoming (25)	WYO. STAT. ANN. § 34-1-140		Yes

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