

By: Representative Sanford

To: Judiciary A

HOUSE BILL NO. 1234

1 AN ACT TO AMEND SECTION 89-1-7, MISSISSIPPI CODE OF 1972, TO
 2 PROVIDE THAT WHEN A PERSON CONVEYS AN INTEREST IN PROPERTY TO TWO
 3 INDIVIDUALS WHO ARE MARRIED TO EACH OTHER, AND SUCH PROPERTY IS
 4 THE PRIMARY RESIDENCE OF THAT MARRIED COUPLE, THE DEED CONVEYING
 5 SUCH INTEREST SHALL CREATE A REBUTTABLE PRESUMPTION THAT THE
 6 PROPERTY IS THE PRIMARY RESIDENCE OF THE MARRIED INDIVIDUALS; TO
 7 PROVIDE THAT THE PROPERTY INTEREST SHALL BE CONSTRUED TO BE A
 8 TENANCY BY THE ENTIRETY WITH A RIGHT OF SURVIVORSHIP, UNLESS THERE
 9 ARE SPECIFIC PROVISIONS PROVIDED FOR IN THE DEED TO THE CONTRARY;
 10 AND FOR RELATED PURPOSES.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

12 **SECTION 1.** Section 89-1-7, Mississippi Code of 1972, is
 13 amended as follows:

14 89-1-7. (1) All conveyances or devises of land made to two
 15 (2) or more persons, * * * excluding conveyances or devises to a
 16 husband and wife if such conveyance or devise of land is used as
 17 their primary residence, shall be construed to create estates in
 18 common and not in joint tenancy or entirety, unless it manifestly
 19 appears from the tenor of the instrument that it was intended to
 20 create an estate in joint tenancy or entirety with the right of
 21 survivorship. But an estate in joint tenancy or entirety with
 22 right of survivorship may be created by such conveyance from the



23 owner or owners to himself, themselves or others, or to himself,
24 themselves and others.

25 An estate in joint tenancy or entirety with right of
26 survivorship between spouses may be terminated by deed of one
27 spouse to the other without necessity of joinder of the grantee
28 spouse and without regard to whether the property constitutes any
29 part of the homestead of the spouses.

30 (2) After the effective date of this act, when a person
31 conveys an interest in property to two persons who are married to
32 each other, and such property is the primary residence of that
33 married couple, the deed conveying such interest shall create a
34 rebuttable presumption that the property is the primary residence
35 of the married individuals, and the property interest shall be
36 construed as tenancy by the entirety with the right of
37 survivorship, unless there are specific provisions provided for in
38 the deed to the contrary.

39 **SECTION 2.** This act shall take effect and be in force from
40 and after July 1, 2024.

