

Sec. 34.15.130. Joint tenancy abolished.

Joint tenancy, with the exception of interests in personalty and tenancy by the entirety, is abolished. Except as provided in AS 34.15.110(b) and AS 34.77.100, persons having an undivided interest in real property are considered tenants in common.

History -

(Sec. 22-1-6 ACLA 1949; am Sec. 2 ch 211 SLA 1970; am Sec. 10 ch 42 SLA 1998)

Revisors Notes -

The reference to "AS 34.77.100" was substituted for "AS 34.75.100" in 1998 to reflect the 1998 renumbering of the section.

Amendment Notes -

The 1998 amendment, effective May 23, 1998, inserted a section reference in the second sentence.

Decisions -

History of section. - See Carver v. Gilbert, 387 P.2d 928 (Alaska 1963).

This section appears to have been drawn from the Oregon law. Pilip v. United States, 186 F. Supp. 397 (D. Alaska 1960). See Binswanger v. Henninger, 1 Alaska 509 (1902).

Personal property which a husband and wife jointly possess and use is presumed to be held in tenancy by the entirety. Faulk v. Estate of Haskins, 714 P.2d 354 (Alaska 1986).

Effect of section. - This section abolishes joint tenancies in land for persons who are not married. It does not abolish joint tenancies in personal property, nor does it abolish tenancies by the entirety in real or personal property. Faulk v. Estate of Haskins, 714 P.2d 354 (Alaska 1986).

Findings of proportionate share of joint venture. - Native corporations were entitled to recover a proportionate share of an Exxon claim from a joint venture created to obtain land from the federal government; if the Exxon claim arose before the corporations withdrew from the venture, the claim was a venture asset subject to distribution under the withdrawal agreement, and if the Exxon claim accrued after the corporations withdrew, then the parties held the assets as tenants in common under this section until the partition. Afognak Joint Venture v. Old Harbor Native Corp., 151 P.3d 451 (Alaska 2007).