

381.050 Estate created by conveyance to husband and wife -- Will not to defeat right to the entirety by survivorship.

- (1) If real estate is conveyed or devised to husband and wife, unless a right by survivorship is expressly provided for, there shall be no mutual right to the entirety by survivorship between them, but they shall take as tenants in common, and the respective moieties shall be subject to the respective rights of the husband or wife as fixed in KRS Chapter 392, with all other incidents to such tenancy.
- (2) Where a conveyance or devise expressly creates a mutual right to the entirety by survivorship in real estate between a husband and wife, no provision of the will of the husband or wife shall be construed to defeat such right to the entirety by survivorship of the surviving spouse.

Effective: July 15, 1980

History: Amended 1980 Ky. Acts ch. 2, sec. 1, effective July 15, 1980. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2143.