

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 42.
REAL PROPERTY.

CHAPTER 5.
ESTATES IN LAND.

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DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 5. ESTATES IN LAND.

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CHAPTER 5. ESTATES IN LAND.

§ 42-501. RECOGNIZED ESTATES.

Estates in land in the District shall be estates of inheritance, estates for life, estates for years, estates at will, and estates by sufferance.

(Mar. 3, 1901, 31 Stat. 1350, ch. 854, § 1011.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-201.

1973 Ed., § 45-801.

§ 42-502. FEE SIMPLE ESTATES--ESTATES TAIL ABOLISHED.

All estates of inheritance, including such as were formerly estates tail, shall be adjudged estates in fee simple.

(Mar. 3, 1901, 31 Stat. 1350, ch. 854, § 1012.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-202.

1973 Ed., § 45-802.

§ 42-503. FEE SIMPLE ESTATES--ABSOLUTE OR QUALIFIED.

An estate in fee simple may be either absolute or qualified, as to one and his heirs during an existing condition of things of uncertain duration.

(Mar. 3, 1901, 31 Stat. 1351, ch. 854, § 1013.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-203.

1973 Ed., § 45-803.

§ 42-504. FREEHOLDS; CHATTELS REAL; CHATTEL INTERESTS; CONDITIONS PRECEDENT OR SUBSEQUENT.

Estates of inheritance and estates for life shall continue to be denominated freeholds, and estates for years shall be chattels real; estates at will or by sufferance shall be chattel interests, but shall not be liable, as such, to sale under execution; and all estates may be subject to conditions precedent or subsequent.

(Mar. 3, 1901, 31 Stat. 1351, ch. 854, § 1014.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-204.

1973 Ed., § 45-804.

§ 42-505. ESTATES PUR AUTRE VIE; WHEN DEEMED FREEHOLD AND WHEN CHATTEL REAL.

An estate for the life of a third person, whether limited to heirs or otherwise, shall be deemed a freehold only during the life of the grantee or devisee, but after his death it shall be deemed a chattel real and be a part of his personal estate.

(Mar. 3, 1901, 31 Stat. 1351, ch. 854, § 1015.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-205.

1973 Ed., § 45-805.

§ 42-506. ESTATES CLASSIFIED; POSSESSION; EXPECTANCY.

Estates are either in possession or in expectancy.

(Mar. 3, 1901, 31 Stat. 1351, ch. 854, § 1016.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-206.

1973 Ed., § 45-806.

§ 42-507. ESTATE IN POSSESSION.

An estate in possession exists when the owner has an immediate right to the possession of the land.

(Mar. 3, 1901, 31 Stat. 1351, ch. 854, § 1017.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-207.

1973 Ed., § 45-807.

§ 42-508. ESTATE IN EXPECTANCY.

An estate in expectancy is either a reversion or a future estate.

(Mar. 3, 1901, 31 Stat. 1351, ch. 854, § 1018.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-208.

1973 Ed., § 45-808.

§ 42-509. REVERSIONS.

A reversion is the residue of an estate left in the grantor who has conveyed, or in the heirs of the devisor who has devised a particular estate less than his own, and which residue returns to his or their possession on the expiration of the particular estate.

(Mar. 3, 1901, 31 Stat. 1351, ch. 854, § 1019.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-209.

1973 Ed., § 45-809.

§ 42-510. FUTURE ESTATES--COMMENCEMENT.

A future estate is one limited to commence at a future day, either without the intervention of a precedent estate or after the expiration or determination of a precedent estate created at the same time and by the same conveyance or devise.

(Mar. 3, 1901, 31 Stat. 1351, ch. 854, § 1020.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-210.

1973 Ed., § 45-810.

§ 42-511. FUTURE ESTATES--REMAINDER AND CONDITIONAL LIMITATION.

If it is to commence upon the full expiration of such precedent estate, it is a remainder and may be transferred by that name. If it is to commence on a contingency which, if it happen, will abridge or determine such precedent estate before its expiration, it shall be known as a conditional limitation.

(Mar. 3, 1901, 31 Stat. 1351, ch. 854, § 1021.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-211.

1973 Ed., § 45-811.

§ 42-512. FUTURE ESTATES--VESTED AND CONTINGENT.

A future estate is vested when there is a person in being who would have an immediate right to the possession of the land upon the expiration of the intermediate or precedent estate, or upon the arrival of a certain period or event when it is to commence in possession. It is contingent when the person to whom or the event upon which it is limited to take effect in possession or become a vested estate is uncertain.

(Mar. 3, 1901, 31 Stat. 1351, ch. 854, § 1022.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-212.

1973 Ed., § 45-812.

§ 42-513. FUTURE ESTATES--ALTERNATIVE.

Two or more future estates may be created to take effect in the alternative, so that if the first in order shall fail to vest the next in succession may be substituted for it and take effect accordingly.

(Mar. 3, 1901, 31 Stat. 1352, ch. 854, § 1026.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-213.

1973 Ed., § 45-813.

§ 42-514. EXPECTANT ESTATES--NO DEFEAT OR BAR UNLESS PROVIDED FOR AT CREATION.

No expectant estate can be defeated or barred by any alienation or other act of the owner of the intermediate or precedent estate, nor by any destruction of such precedent estate, by disseizin, forfeiture, surrender, merger, or otherwise, except when such destruction is expressly provided for or authorized in

the creation of such expectant estate; nor shall an expectant estate thus liable to be defeated be on that ground adjudged void in its creation.

(Mar. 3, 1901, 31 Stat. 1352, ch. 854, § 1029.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-214.

1973 Ed., § 45-814.

§ 42-515. EXPECTANT ESTATES--DESCENDIBLE, DEVISABLE, AND ALIENABLE.

Expectant estates shall be descendible, devisable, and alienable in the same manner as estates in possession.

(Mar. 3, 1901, 31 Stat. 1352, ch. 854, § 1030.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-215.

1973 Ed., § 45-815.

§ 42-516. TENANCIES IN COMMON, TENANCIES BY THE ENTIRETIES, AND JOINT TENANCIES.

(a) Every estate granted or devised to 2 or more persons in their own right, including estates granted or devised to spouses or domestic partners, as defined in § 32-701(3), shall be a tenancy in common, unless expressly declared to be a joint tenancy; but every estate vested in executors or trustees, as such, shall be a joint tenancy, unless otherwise expressed.

(b) An interest in property, whether held in tenancy in common, joint tenancy, or tenancy by the entirety, may be granted by 1 or more persons, as grantor or grantors:

(1) To 1 of them alone as grantee; or

(2) To the following, as grantees in tenancy in common, joint tenancy, or tenancy by the entirety:

(A) The grantors alone;

(B) Two or more of the grantors;

(C) The grantor or grantors and another person or persons; or

(D) One or more of the grantors and another person or persons.

(c) A tenancy by the entirety may be created in any conveyance of real property to spouses or to domestic partners as that term is defined in § 32-701(3).

(Mar. 3, 1901, 31 Stat. 1352, ch. 854, § 1031; June 30, 1902, 32 Stat. 538, ch. 1329; Dec. 7, 1970, 84 Stat. 1390, Pub. L. 91-530, § 1; Apr. 27, 1994, D.C. Law 10-110, § 2(d), 41 DCR 1023; Sept. 12, 2008, D.C. Law 17-231, § 33(a), 55 DCR 6758; July 18, 2008, D.C. Law 18-33, § 6(a), 56 DCR 4269.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-216.

1973 Ed., § 45-816.

Effect of Amendments

D.C. Law 17-231, in subsec. (a), substituted "including estates granted or devised to spouses or domestic partners, as defined in § 32-701(3), for "including estates granted or devised to husband and wife,".

D.C. Law 18-33 added subsec. (c).

Legislative History of Laws

Law 10-110, the "Property Conveyancing Revision Act of 1994," was introduced in Council and assigned Bill No. 10-88, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on January 4, 1994, and February 1, 1994, respectively. Signed by the Mayor on February 18, 1994,

it was assigned Act No. 10-198 and transmitted to both Houses of Congress for its review. D.C. Law 10-110 became effective on April 27, 1994.

Law 17-231, the "Omnibus Domestic Partnership Equality Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-135, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on April 1, 2008, and May 6, 2008, respectively. Signed by the Mayor on June 6, 2008, it was assigned Act No. 17-403 and transmitted to both Houses of Congress for its review. D.C. Law 17-231 became effective on September 12, 2008.

Law 18-33, the "Domestic Partnership Judicial Determination of Parentage Amendment Act of 2009", was introduced in Council and assigned Bill No. 18-66, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on April 7, 2009, and May 5, 2009, respectively. Signed by the Mayor on May 21, 2008, it was assigned Act No. 18-66 and transmitted to both Houses of Congress for its review. D.C. Law 18-33 became effective on July 18, 2008.

§ 42-517. COPARCENARY ESTATES ABOLISHED.

There shall be no estate in coparcenary in the District, and where 2 or more persons inherit from an intestate they shall be tenants in common.

(Mar. 3, 1901, 31 Stat. 1343, ch. 854, § 956.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-217.

1973 Ed., § 45-817.

§ 42-518. ESTATES FOR YEARS.

An estate for a determined period of time is an estate for years.

(Mar. 3, 1901, 31 Stat. 1352, ch. 854, § 1032.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-218.

1973 Ed., § 45-818.

§ 42-519. ESTATES FROM YEAR TO YEAR.

An estate expressed to be from year to year shall be good for 1 year only.

(Mar. 3, 1901, 31 Stat. 1352, ch. 854, § 1033.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-219.

1973 Ed., § 45-819.

§ 42-520. ESTATES BY SUFFERANCE.

All estates which by construction of the courts were estates from year to year at common law, as where a tenant goes into possession and pays rent without an agreement for a term, or where a tenant for years, after the expiration of his term, continues in possession and pays rent and the like, and all verbal hirings by the month or at any specified rate per month, shall be deemed estates by sufferance.

(Mar. 3, 1901, 31 Stat. 1352, ch. 854, § 1034; June 30, 1902, 32 Stat. 538, ch. 1329.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-220.

1973 Ed., § 45-820.

§ 42-521. ESTATES FROM MONTH TO MONTH OR FROM QUARTER TO QUARTER.

An estate may be from month to month or from quarter to quarter, or, as otherwise expressed, it may be by the month or by the quarter, if so expressed in writing.

(Mar. 3, 1901, 31 Stat. 1352, ch. 854, § 1035.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-221.

1973 Ed., § 45-821.

§ 42-522. ESTATES AT WILL; TERMINATION; CREATION.

An estate at will is one held by the joint will of lessor and lessee, and which may be terminated at any time, as herein elsewhere provided, by either party; and such estate shall not exist or be created except by express contract; provided, however, that in case of a sale of real estate under mortgage or deed of trust or execution, and a conveyance thereof to the purchaser, the grantor in such mortgage or deed of trust, execution defendant, or those in possession claiming under him, shall be held and construed to be tenants at will, except in the case of a tenant holding under an unexpired lease for years, in writing, antedating the mortgage or deed of trust.

(Mar. 3, 1901, 31 Stat. 1352, ch. 854, § 1036.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-222.

1973 Ed., § 45-822.

§ 42-523. PROVISIONS APPLICABLE TO PERSONAL PROPERTY.

All the provisions of this chapter and of §§ 42-302 to 42-304, 42-703, and 42-704 shall apply to personal property generally except where from the nature of the property they are inapplicable.

(Mar. 3, 1901, 31 Stat. 1352, ch. 854, § 1036; June 30, 1902, 32 Stat. 538, ch. 1329.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 45-223.

1973 Ed., § 45-823.