

# Ways to Hold Title

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## To Real Property

	Tenancy In Common	Joint Tenancy	Community Property	Community Property with Right of Survivorship
<b>Parties</b>	Any number of persons (can be husband and wife or registered domestic partners)	Any number of persons (can be husband and wife or registered domestic partners)	Only husband and wife. Registered domestic partners have community property rights.	Only husband and wife. Registered domestic partners have community property rights.
<b>Division of Ownership</b>	Ownership can be divided into numbers of interests, equal or unequal	Ownership interests must be equal	Ownership and managerial interests are equal	Ownership and managerial interests are equal
<b>Title</b>	Each Co-owner has separate legal title to his or her undivided interest	There must be unity of title and time (created in one document)	Title is the "community". Each interest is separate but management is unified	Title is the "community". Each interest is separate but management is unified. Title must expressly state community property with right to survivorship.
<b>Possession of Property</b>	Equal right of possession	Equal right of possession	Both co-owners have equal right of possession	Both co-owners have equal right of possession
<b>Conveyance</b>	Each co-owners interest may be conveyed separately by its individual owner	Conveyance by one co-owner without the other will sever the joint tenancy	Requires written consent of other spouse or registered domestic partner and separate interest cannot be conveyed except upon death.	Requires written consent of other spouse or registered domestic partner and separate interest cannot be conveyed except upon death.
<b>Purchasers Status</b>	Purchaser will become a tenant in common with the other co-owners in the property	Purchaser will become a tenant in common with the other co-owners in the property	Purchaser can acquire title from the community with written consent or joinder of both spouses or registered domestic partner	Purchaser can acquire title from the community with written consent or joinder of both spouses or registered domestic partner
<b>Death of Co-Owner</b>	On co-owners death, his or her interest passes by will to that person's devisees or his heirs. No survivorship right	On co-owners death, his or her interest ends and cannot be disposed of by will. Survivor owns the property A affidavit of death of joint tenant establishes death..	Upon death of one spouse or registered domestic partner, 50% belongs to surviving spouse or registered partner, 50% goes by will to descendant's devisees or by succession to surviving spouse or registered partner.	Upon death of one spouse or registered domestic partner, his or her interest ends and cannot be disposed of by will. Survivor owns the property 100%. An affidavit of death (community property with right of survivorship) establishes death of a spouse or registered domestic partner.
<b>Successor's Status</b>	Devisees or heirs become tenants in common	Last survivor owns property 100%	If passing by will, tenancy in common between devisees and survivor results	Purchaser can only acquire whole title of community; cannot acquire a part of it.
<b>Creditor's Rights</b>	Co-owner's interest may be sold on execution sale to satisfy his or her creditor. The creditor becomes a tenant in common	Co-owner's interest may be sold on execution sale to satisfy his or her creditor. Joint tenancy is broken; creditor becomes tenant in common	Property of community is liable for contracts of either spouse or registered domestic partners which were made after marriage and prior to or after Jan 1, 1975. Co-Owner's interest cannot be sold separately; whole property may be sold on execution to satisfy creditor.	Property of community is liable for contracts of either spouse or registered domestic partners which were made after marriage and prior to or after Jan 1, 1975. Co-Owner's interest cannot be sold separately; whole property may be sold on execution to satisfy creditor.

**THE INFORMATION CONCERNING OWNERSHIP VESTING IS FOR INFORMATIONAL PURPOSES ONLY. CONTACT AN ATTORNEY OR CPA IF YOU DESIRE ADVICE REGARDING A SPECIFIC MANNER OF HOLDING TITLE TO PROPERTY.**