



Common ways of holding title to real property

	TENANCY IN COMMON	JOINT TENANCY	COMMUNITY PROPERTY	COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP
Parties	Any number of persons (can be husband and wife).	Any number of persons (can be husband and wife).	Only husband and wife or registered domestic partners.	Only husband and wife or registered domestic partners.
Division	Ownership can be divided into any number of interests, equal or unequal.	Ownership interests cannot be divided.	Ownership interests are equal.	1/2 of the community property of a husband and wife belongs to the surviving spouse and the other half belong to the decedents estate.
Title	Each co-owner has a separate legal title to his undivided interest.	There is only one title to the whole property	Title is in the "community," (similar to title being in a partnership)	"Community" with Right of SURVIVORSHIP
Possession	Equal right of possession.	Equal right of possession.	Equal right of possession.	Equal right of possession.
Conveyance	Each co-owner's interest may be conveyed separately by its owner.	Conveyance by one co-owner without the others breaks the joint tenancy.	Both co-owners must join in conveyance of real property. Separate interests cannot be conveyed.	Right of Survivorship may be terminated much like Joint Tenancy is severed.
Purchaser's Status	Purchaser becomes a tenant in common with other co-owner.	Purchaser becomes tenant in common with the other co-owners.	Purchaser can only acquire whole title of community cannot acquire part of it.	Title is in the "Community" with Right of Survivorship
Death	On co-owners death, his interest passes by will to his devisees or heirs. No survivorship right.	On co-owners death, his interest ends and cannot be willed. Survivor owns the property by survivorship.	On co-owner's death, 1/2 goes to survivorship in severalty. Up to 1/2 goes by will or succession to others. (Consult attorney with specific questions.)	Upon death of spouse, title passes to survivor without administration. Consult Attorney with specifics
Successor's Status	Devisees or heirs become tenants in common	Last survivor owns property in severalty.	If passing by will, tenancy in common between devisee and survivor results	Survivor status upon death
Creditor's Rights	Co-owner's interest may be sold on execution sale to satisfy his creditor. Creditor becomes a tenant in common.	Co-owner's interest may be sold on execution sale to satisfy creditor. Joint tenancy is broken, creditor becomes tenant in common.	Co-owner's interest cannot be seized and sold separately. The whole property may be sold to satisfy debts of either husband or wife, depending on the debt. (Consult attorney with specific questions.)	Consult Attorney with specific questions
Presumption	Favored in doubtful cases except husband and wife. (See community property)	Must be expressly stated and properly formed, not favored.	Strong presumption that property acquired by husband and wife is community.	COMMUNITY PROPERTY unless Right of Survivorship is expressly added.

