

TransCounty Title Co.

"Our Service Is The Difference"

COMMON WAYS TO HOLD TITLE TO REAL PROPERTY IN CALIFORNIA

	Tenancy in Common	Joint Tenancy	Community Property	Community Property with Right of Survivorship
Parties	Any number of persons, including married or registered domestic partners.	Any number of persons, including married or registered domestic partners.	Only married couples or registered domestic partners.	Only married couples or registered domestic partners.
Division	Ownership can be divided into any number of interests; equal or unequal.	Ownership interests must be equal.	Ownership interests are equal.	Ownership interests are equal.
Title	Each co-owner has a separate legal title to his or her undivided interest.	Each co-owner must acquire an equal interest from the same person, at the same time. It may be created by a Deed from a sole owner to themselves and others.	Title is in the "community". Each interest is separate but management is unified.	Title is in the "community". Each interest is separate but management is unified.
Possession	Equal rights of possession.	Equal rights of possession.	Equal rights of possession.	Equal rights of possession.
Conveyance	Each co-owner's interest may be conveyed separately by its individual owner.	Conveyance by one co-owner without the others will sever (terminate) the individual's joint tenancy.	Conveyance requires both parties' signatures.	Conveyance requires both parties' signatures.
Death	Upon co-owner's death, his or her interest passes to that person's devisees or heirs. No survivorship right exists.	Upon co-owner's death, his or her interest ends and cannot be disposed of by decedent's Will. Surviving co-owner(s) own(s) the property. An Affidavit may establish the fact of the decedent's death.	Upon death of spouse or registered domestic partner, 50% belongs to surviving spouse or registered domestic partner, 50% may go to surviving spouse or registered domestic partner or may be disposed of by decedent's Will.	Upon death of one spouse or registered domestic partner, his or her interest ends and cannot be disposed of by decedent's Will. Surviving spouse or registered domestic partner owns the property 100%. An Affidavit may establish the fact of the decedent's death.
Successor's Status	Devisees or heirs become tenants in common.	Last survivor owns property 100%.	Devisees become tenants in common with survivor if disposed of by Will.	Last survivor owns property 100%.
Presumption	Tenancy in common is favored, except when acquired by married couples or registered domestic partners; may be presumed to be community property.	Must be expressly stated in the Deed that the co-ownership created thereby is to be a joint tenancy.	Property acquired during the course of the marriage or registered domestic partnership is presumed to be community property.	Must be expressly stated in the Deed as community property with right of survivorship.

This flyer is intended to provide general information regarding common ways that two or more individuals may hold title together. The information provided herein is for informational purposes only and no liability is assumed hereby. Contact an Attorney and or CPA if you desire advice regarding a specific manner of holding title to real property. TransCounty Title Co. is not an Attorney and or CPA and cannot and is not providing you this advice.