

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 & wife)	Any number of persons (can be husband & wife)	Only husband & wife or registered domestic partners	Only husband & 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 common property of a husband & wife belongs to the surviving spouse and the other half belongs to the descendant's estate.
TITLE	Each co-owner's interest may be conveyed separately by its owner.	There is only one title to the whole property.	Title is in the "community" (similar to 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 break 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 the other co-owner.	Purchaser becomes a tenant in common with the other co-owner.	Purchaser can only acquire whole title of the community.	Title is in the "Community" with Right of Survivorship.
DEATH	On co-owner's death, his interest passes by will to his devisees or heirs, No Right of Survivorship.	On co-owner's 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 an attorney with specific questions.).
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 a tenant in common.	Co-owner's interest cannot be seized and sold separately. The whole property may be sold to satisfy debts or either husband or wife, depending on the debt (Consult an attorney with specific questions).	Consult an attorney with specific questions.
PRESUMPTION	Favored in doubtful case except husband & wife (See community property).	Must be expressly stated and properly formed, not favored.	Strong presumption that property is acquired by husband & wife is community.	Community Property unless Right of Survivorship is expressly added.