

3 Common Ways to Hold Title Together

	COMMUNITY PROPERTY	TENANCY IN COMMON	JOINT TENANCY WITH RIGHT OF SURVIVORSHIP
Parties	Community property is presumed by any deed to married persons or to registered domestic partners.	Any number of persons. {Married persons or registered domestic partners may also.}	Any number of persons. {Married persons or registered domestic partners may also.}
Division	Ownership Interests are Equal.	Ownership can be divided into any number of different percentages.	All owners must have equal interests and equal rights of possession.
Creation	The grantee language should include "married persons," "husband and wife" or "registered domestic partners."	The deed should state "as tenants in common". The shares are presumed to be equal if not stated.	All owners must acquire in one deed stating "as joint tenants." The grantees should also sign to confirm their intention to hold title with survivorship rights.
Title	Title is in the "community." There is one estate, not two half interests.	Each co-owner has a separate legal title to their undivided interest.	Each co-owner has a separate legal title to their undivided interest.
Conveyance by One Owner	Both co-owners must convey real property jointly. One co-owner cannot convey separately.	Each co-owner's interest may be conveyed separately.	A conveyance by one co-owner without the others breaks the joint tenancy. The Grantee is a tenant in common with the other owners and the interest does not pass to survivors.
Death	The decedent's half may be given by Will, or it passes to descendants by laws of succession. The spouse or domestic partner is the primary heir.	The decedent's interest may be given by Will, or it passes to descendants by laws of succession. No right of survivorship.	The decedent's interest terminates. All survivors own equal shares of the decedent's interest by right of survivorship.
Creditors' Rights	Co-owner's interest cannot be seized and sold separately for most separate debts.	Co-owner's interest may be sold on execution sale to satisfy creditors.	Co-owner's interest may be sold on execution sale to satisfy creditors. The joint tenancy is then broken.

This is provided as an overview ONLY and should not be relied upon as legal advice...please consult your real estate attorney for a complete understanding of these terms.