



TITLE VESTING

Common Ways to take Title of Real Property

Vesting Subject	TENANCY IN COMMON	JOINT TENANCY	COMMUNITY PROPERTY	COMMUNITY PROPERTY 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.	Only husband and wife
DIVISION	Ownership can be divided into any number of interests, equal or unequal	Ownership interest must be equal	Ownership and managerial interests are equal (except control of business is solely with managing spouse)	Ownership and managerial interests are equal
TITLE	Each co-owner has a separate legal title to his/her undivided interest	One title only to the whole property	Title is in the "community". Each interest is separate but management is unified	Title is in the "community", management if unified
POSSESSION	Equal right of possession	Equal right of possession	Equal right of possession	Both co-owners have equal management and control
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 on conveyance of real property. Separate interest cannot be conveyed	Right of survivorship may be terminated pursuant to the same procedures by which a joint tenancy may be served
PURCHASER'S STATUS	Purchaser becomes a tenant in common with the other co-owners in the property	Purchaser becomes a tenant in common with the other co-owners in the property	Purchaser can only acquire whole title of community (cannot acquire part of it)	Purchaser can only acquire whole title of community; cannot acquire a part of it
DEATH	On co-owner's death, interest passes by will to his/her devisees or heirs. No right of survivorship	On co-owner's death, his/her interest ends and cannot be disposed of by will. Survivor owns the property by right of survivorship	On co-owner's death, 1/2 belongs to survivor in severalty. 1/2 goes by will to descendant's devisees or by success to survivor	Upon the death of a spouse, his/her interest passes to the surviving spouse, without administration, subject to the same procedures as property held in joint tenancy
CREDITOR'S RIGHTS	Co-owner's interest may be sold on execution sale to satisfy his/her creditor. Creditor becomes a tenant in common	Co-owners interest may be sold on execution sale to satisfy creditors. 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 on execution sale to satisfy creditor	Property of community is liable for debts of either which are made before or after marriage; whole property may be sold on execution sale to satisfy creditor

NOTE:

This table is intended for reference only. Clients should be advised to seek professional counsel from an attorney and/or CPA to determine the legal and tax consequences of how title is vested.