

# WAYS TO HOLD TITLE

	<b>TENANCY IN COMMON</b>	<b>JOINT TENANCY</b>	<b>COMMUNITY PROPERTY</b>	<b>COMMUNITY PROPERTY</b> (with right of survivorship)
<b>PARTIES</b>	Any number of persons. (Can be husband & wife)	Any number of persons. (Can be husband & wife)	Only husband and wife.	Only husband and wife.
<b>DIVISION</b>	Ownership can be divided into any number of interests, equal or unequal.	Owner interests must be equal.	Ownership and managerial interests are equal.	Ownership and managerial interests are equal.
<b>TITLE</b>	Each co-owner has a separate legal title to his or her undivided interest.	There must be unity of title and time (created in one document).	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. Title must expressly state community property with right to survivorship.
<b>POSSESSION</b>	Equal rights of possession.	Equal rights of possession.	Both co-owners have equal management and control.	Both co-owners have equal management and control.
<b>CONVEYANCE</b>	Each co-owner's interest may be conveyed separately by its individual owner.	Conveyance by one co-owner without the others will terminate that individual's joint tenancy.	Real property requires written consent of other spouse and separate interest cannot be conveyed except upon death.	Real property requires written consent of other spouse and separate interest cannot be conveyed except upon death.
<b>PURCHASER'S STATUS</b>	Purchaser will become a tenant-in-common with the other property co-owners.	Purchaser will become a tenant-in-common with the other property co-owners.	Purchaser can acquire title from the community with written consent or joinder of both spouses.	Purchaser can acquire title from the community with written consent or joinder of both spouses.
<b>DEATH</b>	On co-owner's death, his or her interest passes by will to that person's devisees or heirs. No survivorship right.	On co-owner's death, his or her interest ends and cannot be disposed of by will. Survivor(s) own(s) the property. An affidavit of death of joint tenant establishes death.	Upon death of one spouse, 50% belongs to surviving spouse, 50% goes by will to decedent's devisees or by succession to surviving spouse.	Upon death of one spouse, his or her interest ends and cannot be disposed of by will. Survivor owns the property 100%. An affidavit of death (community property w/right of survivorship) establishes death of a spouse.
<b>SUCCESSOR'S STATUS</b>	Devisees or heirs become tenant-in-common.	Last survivor owns property 100%.	If passing by will, tenancy-in-common between devisees and survivor results.	Purchaser can only acquire whole title of community; cannot acquire a part of it.
<b>CREDITOR'S RIGHTS</b>	Co-owner's interest may be sold on execution sale to satisfy his or her creditor. The 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.	Property of community is liable for contracts of either spouse which were made after marriage & prior to or after Jan. 1, 1975. Co-owner's interest cannot be sold separately; whole property may be sold on execution to satisfy creditor.	Property of community is liable for contracts of either spouse which were made after marriage & prior to or after Jan. 1, 1975. Co-owner's interest cannot be sold separately; whole property may be sold on execution to satisfy creditor.
<b>PRESUMPTION</b>	Favored in doubtful cases, except on husband and wife case.	Must be expressly stated. Not favored.	The legal presumption is that property which has been acquired during the course of the marriage is community property.	After July 1, 2001, there is no presumption. The code reads that deeds must state "community property with the right of survivorship."