



# 3 Common Ways to Hold Title Together

## COMMUNITY PROPERTY

### Parties

Community property is presumed by any deed to married persons or to registered domestic partners.

### Creation

The grantee language should include "married persons," "husband and wife" or "registered domestic partners."

### Conveyance by One Owner

Both co-owners must convey real property jointly. One co-owner cannot convey separately.

### Creditors' Rights

Co-owner's interest cannot be seized and sold separately for most separate debts.

### Division

Ownership Interests are Equal.

### Title

Title is in the "community."  
There is one estate, not two half interests.

### 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.

## TENANCY IN COMMON

### Parties

Any number of persons.  
{Married persons or registered domestic partners may also.}

### Creation

The deed should state "as tenants in common". The shares are presumed to be equal if not stated.

### Conveyance by One Owner

Each co-owner's interest may be conveyed separately.

### Creditors' Rights

Co-owner's interest may be sold on execution sale to satisfy creditors.

### Division

Ownership can be divided into any number of different percentages.

### Title

Each co-owner has a separate legal title to their undivided interest.

### Death

The decedent's interest may be given by Will, or it passes to descendants by laws of succession. No right of survivorship.

## JOINT TENANCY WITH RIGHT OF SURVIVORSHIP

### Parties

Any number of persons.  
{Married persons or registered domestic partners may also.}

### Creation

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.

### Conveyance by One Owner

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.

### Creditors' Rights

Co-owner's interest may be sold on execution sale to satisfy creditors. The joint tenancy is then broken.

### Division

All owners must have equal interests and equal rights of possession.

### Title

Each co-owner has a separate legal title to their undivided interest.

### Death

The decedent's interest terminates. All survivors own equal shares of the decedent's interest by right of survivorship.

*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.*

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