

COMMON WAYS TO HOLD TITLE

	Joint Tenancy	Community Property	Community Property w/ Right of Survivorship	Tenancy in Common	Trust Held Title	Partnership Held Title
Parties	Any number of persons (including married or registered domestic partners)	Married spouses or registered domestic partners	Married spouses or registered domestic partners	Any number of persons (including married or registered domestic partners)	Trustees of a trust any number of beneficiaries	Only partners (any number)
Division of Interests	Must be equal	Ownership and managerial interests are equal (except control of business is solely with managing spouse)	Ownership and managerial interests are equal	Any number of interests, equal or unequal percentages	Beneficial interests may be equal or unequal as defined by the trust agreement	Beneficial interests may be equal or unequal as defined by the partnership agreement
Title	Held by the individual owners	Held by the individual owners	Held by the individual owners	Held by the individual owners	Held by the trust in the name of the trustee(s)	Held in the name of the partnership
Possession	Equal right of possession	Equal right of possession	Equal right of possession	Equal right of possession	As defined by the trust agreement	As defined by the partnership agreement
Conveyance	Conveyance by one co-owner without the other(s) breaks the joint tenancy	Conveyance requires both party's signatures	Conveyance requires both party's signatures and may be terminated pursuant to the same procedures by which a joint tenancy may be served	Each co-owner's interest may be conveyed separately	Trustee(s) may convey in accordance with the trust agreement	Any general partner authorized by that partnership agreement may convey
Purchaser's Status	Purchaser will become a tenant in common with the other co-owners in the property as to the purchaser's interest. Other owners may remain joint tenants	Purchaser can only acquire title of community property as a whole, not as a portion	Purchaser can only acquire title of community property as a whole, not as a portion	Purchaser becomes a tenant in common with the other co-owners	A purchaser may obtain a beneficial interest by assignment or may obtain a legal and equitable title from the trust	Purchaser can acquire title part or entire interest in partnership property. If in part, the purchaser will become a tenant in common with the partnership
Death	Decedent's interest passes to the surviving joint tenant	On co-owner's death, 1/2 belongs to survivor in severalty. 1/2 goes by will to decedent's devisee or by succession to survivor	Upon the death of a spouse, their interest passes to the surviving spouse, without administration, subject to the same procedures as property held in joint tenancy	Decedent's interest passes to decedent's estate; no right of survivorship	Successor beneficiaries may be named and distribution defined in the trust agreement, eliminating the need for probate	On partner's death, their partnership interest passes to the surviving partner pending liquidation of the partnership. Share of deceased partner then goes to his/her estate *subject to the terms of the partnership agreement
Successor's Status	Last survivor owns full interest in property	Tenancy in common between devisee and surviving spouse results	Surviving spouse owns full interest in property	Devisee or heir(s) become tenants in common	Defined by the trust agreement, typically the successor becomes the beneficiary and the trust continues	Heirs or devisee have rights in partnership interest but not specific property *subject to the terms of the partnership agreement
Creditor's Rights	Co-owner's interest may be sold on execution sale to satisfy their creditor. Joint tenancy is broken. Creditor becomes a tenant in common	Community property is liable for debts of either spouse made before or after marriage. Whole property may be sold on execution sale to satisfy creditor	Community property is liable for debts of either spouse made before or after marriage. Whole property may be sold on execution sale to satisfy creditor	Co-owner's interest may be sold on execution sale to satisfy creditor. Creditor becomes a tenant in common	Creditor may seek order for execution sale of beneficial interest or may seek order that trust estate be liquidated and proceeds distributed	Only a partner's right to receive profits can be executed upon by partner's judgment creditor
Presumption	Must be expressly stated	Presumption that property acquired by spouses is community property	Must be expressly stated	Favored in doubtful cases, except married spouses cases	A trust is expressly created by an executed trust agreement	Arise only by virtue of partnership status in property held by partnership

This chart is for informational purposes only. It is not intended to determine how to hold title. Always consult an attorney or CPA for individual legal and tax consequences for how title is held. Monarch Title Company is not responsible for any loss due to the use of the information contained herein.



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