

# Ways to Hold Title

## In California

	Tenancy in Common	Joint Tenancy	Community Property	Community Property with Right of Survivorship
<b>Parties</b>	Any number of persons (including married or registered domestic partners).	Any number of persons (including married or registered domestic partners).	Only married couples or registered domestic partners have community property rights.	Only married couples or registered domestic partners.
<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.	Co-owners must acquire interest at the same time and from the same person (may be created by deed from a sole owner to self and to others).	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 of survivorship.
<b>Possession</b>	Equal rights of possession.	Equal rights of possession.	Both co-owners have equal rights of possession.	Both co-owners have equal rights of possession.
<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 sever (terminate) the individual's joint tenancy.	Conveyance requires both parties' signatures.	Conveyance requires both parties' signatures.
<b>Death</b>	Upon co-owner's death, his or her interest passes to that person's devisees or heirs. No survivorship right.	Upon co-owner's death, his or her interest ends and cannot be disposed of by will. Joint tenant survivor(s) own(s) the property. An affidavit may establish fact of death.	Upon death of spouse or registered domestic partner, 50% belongs to surviving spouse or registered domestic partner, 50% may go to surviving spouse or registered domestic partner or may be disposed of by decedent's will.	Upon death of one spouse or registered domestic partner, his or her interest ends and cannot be disposed of by will. Survivor owns the property 100%. An affidavit may establish fact of death.
<b>Successor's Status</b>	Devisees or heirs become tenants in common.	Last survivor owns property 100%.	If passing by will, tenancy in common between devisees and survivor results.	Last survivor owns property 100%.
<b>Presumption</b>	Only married couples or registered domestic partners.	Must be expressly stated in the deed.	The legal presumption is the property which has been acquired during the course of the marriage or registered domestic partnership is community property.	Must expressly state community property with right of survivorship.

The information concerning ownership vesting is for informational purposes only. Contact an attorney or CPA if you desire advice regarding a specific manner of holding title to property. This flyer lists ways for two or more individuals to hold title together.

Please contact me for more information.



**Stewart Title of California, Inc.**  
**South Bay West**  
 Brandon Orosz  
 Business Development Officer  
 Morgan Hill, CA 95037  
 408.921.4374 direct  
 669.437.4050 main  
 brandon.orosz@stewart.com  
 www.stewart.com/santa-clara-county

