

Methods to Hold Title to Real Property

	TENANCY IN COMMON	JOINT TENANCY	COMMUNITY PROPERTY
Parties	Any number of persons (can be husband and wife)	Any number of persons (can be husband and wife)	Only husband and wife
Division	Ownership can be divided into any number of interests, equal or unequal	Ownership interests cannot be divided	Ownership interests are equal
Title	Each co-owner has a separate legal title to his undivided interests	There is only one title to the whole property	Title is in the "community"
Possession	Equal right of possession	Equal right of possession	Equal right of possession
Conveyance	Each co-owner's interests may be conveyed separately by its owner	Conveyance by one co-owner's without the other breaks the joint tenancy	Both co-owners must join in conveyance of real property. Separate interests cannot be conveyed.
Purchaser's Status	Purchaser becomes a tenant in common with the other co-owner	Purchaser becomes a tenant in common with the other co-owners	Purchaser can only acquire whole title of community; cannot acquire a part of it.
Death	On co-owner's death, his interest passes by will or succession to his devisees or heirs. No survivorship right.	On co-owner's death, his interest ends and cannot be willed. Survivor owns the property by survivorship.	On co-owner's death, 1/2 goes to survivor in severalty. Up to 1/2 goes by will or succession to others (consult attorney with specific questions)
Successor's Status	Devisees or heirs become tenants in common	Last survivor owns property in severalty	If passing by will, tenancy in common between devisee and survivor results
Creditor's	Co-owner's interest may be sold on execution sale to satisfy his creditor. Creditor becomes tenant in common	Co-owner's interest may be sold on execution sale to satisfy his creditor. Joint tenancy is broken, creditor becomes a tenant in common	Co-owners interest cannot be seized and sold separately. The whole property may be sold to satisfy debt either husband or wife, depending on the debt (consult attorney with specific questions)
Presumption	Favored in doubtful cases except husband and wife (see Community Property)	Must be expressly stated and properly formed. Not favored.	Strong presumption that property acquired by husband and wife is community