

Common ways of Holding Title in California

Concurrent Co-Ownership Interests

	Tenancy in Common	Joint Tenancy	Community Property	Community Property with Right of Survivorship
Parties	Any number of persons (can be married persons or Registered Domestic Partners, but see "Presumption" limitations below).	Any number of persons (can be married persons or Registered Domestic Partners).	Only married persons or Registered Domestic Partners.	Only married persons or Registered Domestic Partners.
Division	Ownership can be divided into any number of interests equal or unequal.	Ownership interest must be equal.	Ownership and managerial interests are equal, except control of business is solely with managing spouse or Domestic Partner.	Ownership and managerial interest are equal, except control of business is solely with managing spouse/Domestic Partner.
Title	Each co-owner has separate legal title to his/her undivided interest.	There is only one title to the whole property. (Joint ownership in undivided equal shares).	Title is in the "community".	Title is in the "community".
Possession	Equal right of possession (only unity of interest required).	Equal right of possession.	Both co-owners have equal management and control with similar absolute power of disposition.	Both co-owners have equal management and control with similar absolute power of disposition.
Conveyance	Each co-owner's interest may be conveyed separately by its owner. Tenancy in common dissolved by conveyance of co-tenant interest to another. New tenancy in common is created between grantees and remaining co-tenant's.	Conveyance by one co-owner without the others breaks the joint tenancy.	Personal property (except "necessaries") may be conveyed for valuable consideration without consent of other spouse/Domestic Partner; real property requires written consent of other spouse/Domestic Partner, and separate interest cannot be conveyed except upon death.	Personal property (except "necessaries") may be conveyed for valuable consideration without consent of other spouse/domestic partner; real property requires written consent of other spouse/domestic partner, and separate interest cannot be conveyed except upon death.
Purchaser's Status	Purchaser will become a tenant in common with the other co-owners in the property.	Purchaser will become a tenant in common with the other co-owners in the property.	Purchaser can only acquire whole title of community, cannot acquire a part of it.	Purchaser can only acquire whole title of community, cannot acquire a part of it.
Death	On co-owner's death, interest passes by will to his devisees or heirs by intestate succession. No survivorship rights.	Upon death of joint tenant, title to the property passes to the surviving joint tenants by operation of law. Survivor owns the property by survivorship. Ownership cannot be passed by will or intestate succession.	On co-owner's death, ½ belongs to survivor as separate property, ½ goes by will to decedent's devisees or by succession to survivor.	On death, title passes to surviving spouse/Domestic Partner. Ownership cannot be passed by will or succession.
Successor's Status	Devisees or heirs become tenants in common.	Remaining owner holds title to the decedents share as joint tenants.	If passing by will, tenancy in common between devisee and survivor results, otherwise survivor owns entire property.	Surviving spouse/Domestic Partner owns entire property.
Creditors Rights	Co-owner's interest may be sold on execution sale to satisfy creditors; purchaser becomes tenant in common with remaining owners.	Co-owner's interest may be sold on execution sale to satisfy his/her creditor. Joint tenancy is broken, purchaser becomes a tenant in common with remaining owners.	Community property is generally liable for a debt incurred by either spouse/Domestic Partner before or during marriage. Whole property may be sold on execution sale to satisfy creditor.	Community property is generally liable for a debt incurred by either spouse/Domestic Partner before or during marriage. Whole property may be sold on execution sale to satisfy creditor.
Presumption	Favored in doubtful cases except conveyance to a married persons or Registered Domestic Partners.	Deed must expressly vest title to grantees as joint tenants.	Conveyance to married persons or Registered Domestic Partners raises presumption of Community Property.	Deed must expressly vest title to grantees as Community Property with Right of Survivorship.