

COMMON WAYS OF HOLDING TITLE IN CALIFORNIA
CONCURRENT CO-OWNERSHIP INTERESTS

	TENANCY IN COMMON	JOINT TENANCY	COMMUNITY PROPERTY	TENANCY IN PARTNERSHIP	COMMUNITY PROPERTY W/ RIGHT OF SURVIVORSHIP
PARTIES	Any number of persons (can be husband and wife or Registered Domestic Partners, but see "Presumption" limitations below).	Any number of persons (can be husband and wife or Registered Domestic Partners).	Only husband and wife or Registered Domestic Partners.	Only partners (any numbers).	Only husband and wife 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 interest is in relation to interest in partnership.	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 "partnership".	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.	Equal right of possession but only for partnership purposes, absent agreement by the other partners.	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.	Any authorized partner may convey whole partnership property. No partner may sell or assign his interest in specific partnership property without the consent of and in conjunction with all co-partners.	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 the whole title.	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 partner's death, his partnership interest passes to the surviving partner pending liquidation of the partnership. Share of deceased partner then goes to his estate.	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 decedent's share as joint tenants.	If passing by will, tenancy in common between devisee and survivor results, otherwise survivor owns entire property.	Heir or devisees have rights in partnership interest but not in specific partnership property.	Surviving spouse/Domestic Partner owns entire property.
CREDITOR'S 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.	Partnership interest is treated as personal property and may be sold to pay debts. The real property may be sold to satisfy partnership debts.	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 husband and wife or Registered Domestic Partners.	Deed must expressly vest title to grantees as joint tenants.	Conveyance to husband and wife or Registered Domestic Partners raises presumption of Community Property.	Arises only by virtue of partnership status on property placed in partnership.	Deed must expressly vest title to grantees as Community Property with Right of Survivorship.