

# Methods of Holding Title to Real Property in California

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This information is only a guide. Consult with an attorney for legal advice.

	<b>Tenancy in Common</b>	<b>Community Property</b>	<b>Community Property with Right of Survivorship</b>	<b>Joint Tenancy</b>	<b>Partnership</b>
<b>Parties</b>	Any number of persons and / or corporations and / or partnerships.	Husband and wife only.	Husband and wife only.	Unlimited number of persons. Can be husband and wife alone or with others. No corporations or partnerships.	Any number of persons and / or corporations and partnerships with a minimum of two.
<b>Division of Interest</b>	Ownership can be divided into any number of interests equal or unequal.	Ownership and management of property is equal.	Ownership and management of property is equal.	Ownership and management of property is equal. Interests are equal and undivided. Each person controls their own interest.	Each partner's share is personal property in partnership entity.
<b>Title</b>	Each co-owner has a separate legal title to	Title is in the "community." Each interest is separate	Title is in the "common unity" subject to survivorship	Ownership is joint. Sale by one severs	Title is in partnership entity.

	his / her undivided interest.	but management is unified.	rights.	tenancy as to others.	
<b>Possession</b>	Equal right of possession.	Both co-owners have equal management and control.	Both co-owners have equal management and control.	Equal right of possession.	Equal right of possession, but only for partnership purposes.
<b>Conveyance</b>	Each co-owner's interest may be conveyed separately by its owner.	Personal property (except "necessaries") may be conveyed for valuable consideration without consent of other spouse; real property requires written consent of both spouses.	Requires both spouses for valid conveyance except for security for attorneys fees. The estate may be severed as in joint tenancy by one spouse conveying to himself / herself.	Conveyance by one owner severs the joint tenancy but only as to that owner's interest.	Any authorized partner may convey whole partnership property for partnership purposes.
<b>Successor's Status</b>	Successor will become a tenant in common with the other co-owners in the property.	If passing by will, tenancy in common between devisee and survivor results.	Last survivor owns the property.	Successor will become a tenant in common with the other co-owners in the property. Other owners may remain joint tenants.	Heirs or devisee have rights in partnership interest but not specific property.
	Each owner's interest is	On the death of the first spouse, half	On the death of the first spouse the	Upon a co-owner's death, his /	Partner's share in partnership is transferable

<p><b>Effect of Death</b></p>	<p>transferable by will, or passes by succession under probate statutes. No right of survivorship exists.</p>	<p>interest belongs to the surviving spouse. Other half interest is transferable by will, or passes by succession under probate statutes.</p>	<p>undivided half interest passes to the surviving spouse, the same as joint tenancy. No separate interest is transferable by will.</p>	<p>her interest ends and cannot be willed. Survivor(s) owns the property by right of survivorship.</p>	<p>by will or passes by succession under probate statutes. May cause a dissolution of partnership depending on terms of partnership agreement.</p>
<p><b>Successor's Status</b></p>	<p>Heirs become tenants in common with other owners.</p>	<p>If first spouse's interest is transferred by will or passes by succession, remaining spouse holds title as tenants in common.</p>	<p>Due to survivorship rights, the surviving spouse owns 100% interest.</p>	<p>Unless joint tenancy is broken, last surviving joint tenant owns entire property, which is now transferable by will.</p>	<p>Heirs have right in partnership interest.</p>
<p><b>Creditor's Rights</b></p>	<p>Each owner's interest is subject to execution sale. Buyer at sale becomes tenant in common with other owners.</p>	<p>Property of the community is liable for debts of either spouse made before or during marriage. Entire property may be sold at execution sale to satisfy debts of either spouse.</p>	<p>Property of the community is liable for debts of either spouse made before or during marriage. Entire property may be sold at execution sale to satisfy debts of either spouse.</p>	<p>Each owner's interest is subject to execution sale to satisfy debts. Joint tenancy is broken. Buyer at sale becomes tenant in common with other owners.</p>	<p>Partner's interest cannot be seized or sold separately by his / her personal creditor but his / her share of profits may be obtained by a personal creditor. Whole property may be sold on execution sale to satisfy partnership creditor.</p>

Please call us about holding title in corporations, limited partnerships, limited liability companies, or any other way. This matrix is a guide only and is not legal advice.

# CHULAK & PEREZ

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A L A W C O R P O R A T I O N

818-991-9019 • 800-540-9920

Agoura Hills Corporate Office  
30343 Canwood Street, Suite 203  
Agoura Hills, CA 91301

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