



COMMON WAYS TO HOLD TITLE TO REAL PROPERTY IN CALIFORNIA

	COMMUNITY PROPERTY	COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP	JOINT TENANCY	TENANCY IN COMMON	PARTNERSHIP	TRUST
PARTIES	Husband and Wife, Spouses, OR Domestic Partners	Husband and Wife, Spouses, OR Domestic Partners	Any number of persons (can be husband and wife, spouses, or domestic partners)	Any number of persons	Any number of persons	Any number of beneficiaries designated in the trust
DIVISION OF INTERESTS	Equal	Equal	Equal	Any number of interests, equal or unequal	Partnership interests may be equal or unequal	Beneficial interests under trust may be equal or unequal
TITLES	In the names of the individual owners	In the names of the individual owners	In the names of the individual owners	In the names of the individual owners	In the name of the partnership	In the name of the trust with the name of the trustee "as trustee"
POSSESSION	Equal right of possession	Equal right of possession	Equal right of possession	Right to possess up to the boundaries of their tenancy	According to partnership agreement	According to trust agreement
CONVEYANCE	Both spouses or domestic partners must join in a conveyance	Both spouses or domestic partners must join in a conveyance	Conveyance by one co-owner breaks the joint tenancy. The result is the property will become a tenancy in common	Each co-owner's interest may be conveyed separately	Any general partner authorized by the partnership agreement may convey	Trustee may convey in accordance with the terms of the trust agreement
DEATH	Surviving spouse is entitled to 1/2 of the property. The decedent's portion of the property will pass to decedent's estate	Entire estate passes to the surviving spouse	The decedent's share of the joint tenancy will pass in equal shares to the surviving joint tenants	Decedent's interest passes to decedent's estate	Terms of the partnership will determine whether the succession of partnership interests, but not limited to passing to the decedent's estate, conveyance to other partners, forcing a sale of the interest, or termination of the partnership altogether	Trust agreement usually provides for distribution upon death of the settlor
SUCCESSOR'S STATUS	Tenancy in common between devisee and surviving spouse	Surviving spouse owns the entire estate	Joint tenancy will continue among surviving joint tenants	Devisees or heirs will become tenants in common with other tenants	Depends upon the succession of the partnership interest	Depends upon the succession of the trust estate
CREDITOR'S RIGHTS	Community property is liable for the debts of either spouse incurred before or during marriage or domestic partnership	Community property is liable for the debts of either spouse incurred before or during marriage or domestic partnership	The property may be sold to an execution sale to satisfy the debtor's obligation to the creditor. The creditor may only obtain the value of the property apportioned to the debtor-joint-tenant	The tenant's portion of the property may be sold at an execution sale to satisfy the debtor's obligation to the creditor	Only a partner's right to receive profits can be executed upon by the partner's judgment creditor	Usually, a creditor cannot execute on a beneficiary's interest