

YOUR RELATIONSHIP MATTERS WHEN SAME-SEX COUPLES ENGAGE IN REAL ESTATE TRANSACTIONS

Real estate transactions will result with a conveyance of the property deed. That deed will include a conveyance that will require a description of the person, persons or entities that are acquiring the property. That description is referred to as a vesting.

Your relationship with other people will determine the appropriate verbiage to use in a property vesting. It is important to be accurate because each vesting can have unique legal implications. For same-sex couples, this has been complicated because the laws have changed significantly recently and are not uniform across the country.

The following is intended as a brief education on examples of most same-sex relationships with samples of how vesting can be designated. Each vesting should include a description of the relationship followed by the designation of how the property will be held, e.g. Community Property, Community With Right of Survivorship, Separate Property, Joint Tenants or Tenants In Common.

STATUS	DESCRIPTION OF THE RELATIONSHIP	SAMPLE VESTING
REGISTERED DOMESTIC PARTNERS	Couples who registered as domestic partners with the State of California on or after January 1, 2000 and who did not opt out of the status before January 1, 2000 and have not dissolved the relationship are Domestic Partners. Domestic Partner status can also attach to couples who entered into a legally recognized relationship outside of California that is "substantially equivalent" to the California domestic partnership.	"John Doe and Joe Doe, Registered Domestic Partners" followed by a description of how the property is held.
MARRIED	Same-sex couples have had the freedom to marry since 2013. Additionally, same-sex couples married in California between June 16 and November 4, 2008 are deemed to be legally married as well as same-sex couples validly married outside of California before November 4, 2008.	Vesting for married same-sex couples will read similar to heterosexual married couples: "John Doe and Joe Doe, spouses" followed by a description as to how the property is held.
REGISTERED DOMESTIC PARTNERS AND MARRIED	Many couples registered as domestic partners, and married when same-sex marriage became legal without dissolving their domestic partnership.	The property vesting would include the descriptor that they are both domestic partners and married: "Jane Doe and Jen Doe, spouses and Registered Domestic Partners" followed by the description as to how the property is held.
MARRIED EQUIVALENT	In the wake of Prop 8, California enacted SB 54 codified in Family Code §308. This section recognizes same-sex marriages entered into outside of California as legal in the State of California. However, if the same-sex marriage is entered into on or after November 5, 2008, the marriage remains legal in all respects except that the spouse may not use the designation of "marriage."	The vesting should be e.g.: "Jane Doe and Jen Doe, spouses under the laws of [name of the jurisdiction] and Registered Domestic Partners" followed by the description as to how the property will be held.
REGISTERED DOMESTIC PARTNERS AND MARRIED	Some couples that fall under the "Married Equivalent" status will also register their domestic partnership with the State of California.	Their vesting should read e.g.: "Jane Doe and Jen doe, spouses under the laws of [name of jurisdiction] and Registered Domestic Partners" followed by the description as to how the property will be held.



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