

COMMON WAYS TO HOLD TITLE TO REAL PROPERTY: CALIFORNIA

| | Common Property | Community Property With Right of Survivorship | Joint Tenancy | Tenancy in Common | Partnership | Trust |
|-----------------------|--|--|---|---|--|---|
| Parties | Husband and Wife OR Domestic Partners | Husband and Wife OR Domestic Partners | Any number of persons (can be husband and wife or domestic partners) | Any number of Persons. | Any number of Partners. | Any number of beneficiaries of the trust. |
| Division Of Interests | Equal | Equal | Equal | Any number of interests equal or un- equal. | Partnership interests may be equal or un- equal. | Beneficial interests under trust may be equal or unequal. |
| Title | 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 names of the partnership. | In the name of the trustee, "as trustee." |
| Possession | Equal right of Possession. | Equal right of possession. | Equal right of Possession. | Equal right of Possession. | According to partnership agreement | According to trust Agreement. |
| Conveyance | Both parties must join in a conveyance. | Both parties must join in a conveyance. | Conveyance by one co-owner breaks the joint tenancy | 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 trust agreement. |
| Death | Decedent's 1/2 interest passes to survivor unless devised by will. | Decedent's 1/2 interest passes to survivor. | Decedent's interest passes to the survivor(s). | Decedent's interest passes to decedent's estate. | Partnership agreement provides for either termination or continuance of the partnership | Trust agreement usually provides for distribution upon death of the settlor |
| Successor's Status | Tenancy in common between devisee and survivor results. | Survivor owns entire interest | Last survivor owns entire interest. | Devisees or heirs become tenants in common. | Heirs or devisee have rights in partnership interest but not in specific property | Trust agreement usually provides for distribution upon death of the settlor. |
| Creditors Rights | Community property is liable for the debts of either party incurred be- fore or during marriage or domestic partnership. | Community property is liable for the debts of either party incurred be- fore or during marriage or domestic partnership. | Co-owner's interest may be sold at an execution sale to satisfy the co-owner's judgment creditor. | Co-owner's interest may be sold at an execution sale to satisfy the co-owner's judgment creditor. | Only a partner's right to receive profits can be executed upon by the partner's judgment creditor. | Usually, a creditor can- not execute on a beneficiary's interest |