

Ways To Hold Title

To Real Property

	Tenancy in Common	Joint Tenancy	Community Property	Community Property with Right of Survivorship
Parties	Any number of persons (can be a married couple).	Any number of persons (can be a married couple).	Only a married couple.	Only a married couple.
Division	Ownership can be divided into any number of interests, equal or unequal.	Ownership interests must be equal.	Ownership and managerial interests are equal.	Ownership and managerial interests are equal.
Title	Each co-owner has a separate legal title to his/her undivided interest.	There must be unity of title and time (created in one document).	Title is in the "community". Each interest is separate but management is unified.	Title is in the "community". Each interest is separate but management is unified. Title must expressly state community property with right to survivorship.
Possession	Equal rights of possession.	Equal rights of possession.	Both co-owners have equal management and control.	Both co-owners have equal management and control.
Conveyance	Each co-owner's interest may be conveyed separately by its individual owner.	Conveyance by one co-owner without the others will terminate that individual's joint tenancy.	Real property requires written consent of other spouse, and separate interest cannot be conveyed except upon death.	Real property requires written consent of other spouse, and separate interest cannot be conveyed except upon death.
Purchaser's Status	Purchaser will become a tenant in common with the other property co-owners.	Purchaser will become a tenant in common with the other property co-owners.	Purchaser can acquire title from the community with written consent or joinder of both spouses.	Purchaser can acquire title from the community with written consent or joinder of both spouses.
Death	On co-owner's death, his/her interest passes by will to that person's devisees or heirs. No survivorship right.	On co-owner's death, his/her interest ends and cannot be disposed of by will. Survivor(s) owns(s) the property. An affidavit of death of joint tenant establishes death.	Upon death of one spouse, 50% belongs to surviving spouse, 50% goes by will to descendant's devisees or by succession to surviving spouse.	Upon death of one spouse, his/her interest ends and cannot be disposed of by will. Survivor owns the property 100%. An affidavit of death establishes death.
Successor's Status	Devisees or heirs become tenants in common.	Last survivor owns property 100%.	If passing by will, tenancy in common between devisees and survivor results.	Purchaser can only acquire whole title of community; cannot acquire part of it.
Creditor's Rights	Co-owner's interest may be sold on execution sale to satisfy his/her creditor. The creditor becomes a tenant in common.	Co-owner's interest may be sold on execution sale to satisfy creditor. Joint tenancy is broken; creditor becomes tenant in common.	Property of community is liable for contracts of either spouse which were made after marriage. Co-owner's interest cannot be sold separately; whole property may be sold on execution to satisfy creditor.	Property of community is liable for contracts of either spouse which were made after marriage. Co-owner's interest cannot be sold separately; whole property may be sold on execution to satisfy creditor.
Presumption	Favored in doubtful cases, except in marriage case.	Must be expressly stated. Not favored.	The legal presumption is that property which has been acquired during the course of marriage is community property.	There is no presumption. The code reads that deeds must state "community property with the right of survivorship."