

# COMMON WAYS TO HOLD TITLE

	COMMUNITY PROPERTY	JOINT TENANCY	COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP	TENANCY IN COMMON	TENANCY IN PARTNERSHIP
<b>PARTIES</b>	Only spouses.	Any number of persons (can be spouses).	Only spouses.	Any number of persons (can be spouses).	Only partners (any number).
<b>DIVISION</b>	Ownership and managerial interest are equal except control of business is solely with managing spouse.	Ownership interest must be equal.	Ownership interest is equal.	Ownership can be divided into any number of interest equal or unequal.	Ownership interest is in relation to interest in partnership.
<b>TITLE</b>	Title is in the "community." Each interest is separate but management is unified.	There is only one title to the whole property.	Title is in the "community." Each interest is separate.	Each co-owner has a separate legal title to his undivided interest.	Title is in the "partnership."
<b>POSSESSION</b>	Both co-owners have equal management and control.	Equal right of possession.	Both co-owners have equal possession.	Equal right of possession.	Equal right of possession.
<b>CONVEYANCE</b>	Personal property (except "necessaries") may be conveyed for valuable consideration without consent of other spouse; real property requires written consent of other spouse, and separate interest cannot be conveyed except upon death.	Conveyance by one co-owner without the others breaks joint tenancy.	Real property requires written consent of other spouse, and separate interest cannot be conveyed except upon death.	Each co-owner's interest may be conveyed separately by its owner.	Any authorized partner may convey whole partnership property. No partner may sell his interest in the partnership without consent of his co-partners.
<b>PURCHASER'S STATUS</b>	Purchaser can only acquire whole title of community; cannot acquire a part of it.	Purchaser will become a tenant in common with the other co-owners in the property.		Purchaser will become a tenant in common with the other co-owner in the property.	Purchaser can only acquire the whole title.
<b>DEATH</b>	On co-owner's death, 1/2 belongs to survivor in severalty 1/2 goes by will to deceased's devisees or by succession to survivor.	On co-owner's death, his interest ends and cannot be deposed of by will. Survivor owns the property by survivorship.	On co-owner's death, the entire tenancy remains to the survivor. This right of survivorship is one of the primary incidents of community with right of survivorship.	On co-owner's death, his interest passes by will to his devisees or his heir. No survivorship right.	On partner's death, his partnership interest passes to the surviving partner pending liquidation of the partnership. Share of deceased partner then goes to his estate.
<b>SUCCESSOR'S STATUS</b>	If passing by will, tenancy in common between devisee and survivor results.	Last survivor owns property in severalty.	If passing by will, tenancy in common between devisee and survivor results.	Devisee or heirs become tenants in common.	Heirs or devisees have rights in partnership interest but not in the specific property.
<b>CREDITOR'S RIGHTS</b>	Property of community is liable for contracts of either spouse which are made after marriage and prior to or after January 1, 1975. Co-owner's interest can't be sold separately; whole property may be sold on execution to satisfy creditor.	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 are made after marriage and prior to or after January 1, 1975.	Co-owner's interest may be sold on execution sale to satisfy his creditor. Creditor becomes tenant in common.	Partner's interest cannot be seized or sold separately by his personal creditor, but his share of profits may be obtained by a personal creditor. Whole property may be sold on execution sale to satisfy partnership creditor.
<b>PRESUMPTION</b>	Strong presumption that property acquired by husband and wife is community.	Must be expressly stated. Not favored.		Favored in doubtful cases except husband and wife case.	Arise only by virtue of partnership statute in property placed in partnership.