

7 Seven Common Ways To Hold Title In CA

Title to real property in California may be held by individuals, either by Sole Ownership or in Co-Ownership. Co-Ownership of real property is where title is held by two or more persons. There are several variations as to how title may be held in each type of ownership. The following brief summaries are seven of the more common examples of Sole Ownership and Co-Ownership.

SOLE OWNERSHIP

1. **A Single Man/Woman:** A man or woman who is not legally married.
 - ◆ e.g., John Doe, a single man; Sue Smith, a single woman
2. **An Unmarried Man/Woman:** A man or woman who has been married, and is legally divorced.
 - ◆ e.g., John Doe, an unmarried man; Sue Smith, an unmarried woman
3. **A Married Man/Woman, as His/Her Sole and Separate Property:** When a married man or woman wishes to acquire title in his or her name alone, the spouse must consent, by Quit Claim Deed or otherwise, to transfer, thereby relinquishing all right, title and interest in the property.
 - ◆ e.g., John Doe, a married man, as his sole and separate property



CO-OWNERSHIP

4. **Community Property:** The California Family Code defines community property as property acquired by a married person during marriage while domiciled in California, when not acquired as the separate property of either. Real property conveyed to a married man or woman is presumed to be community property unless otherwise stated. Both spouses have the right by will to dispose of 1/2 of the community property subject to administration in the estate. If a spouse chooses not to dispose of his or her 1/2 interest by will, all of the community property will go to the surviving spouse.
 - ◆ e.g., John Doe and Mary Doe, Husband and Wife as community property
 - ◆ e.g., Gerald Smith and Bob Davis, Married Couple as community property
 - ◆ e.g., John Doe and Chris Jones, Domestic Partners as community property
 - ◆ e.g., John Doe and Mary Doe, Husband and Wife
 - ◆ e.g., Janice Cook and Teresa Day, Married Couple
 - ◆ e.g., John Doe and Chris Jones, Domestic Partners
 - ◆ e.g., John Doe, a married man
5. **Community Property with Right of Survivorship:** Community property acquired by a spouse or domestic partner when expressly declared in the transfer document to be "community property with right of survivorship" shall pass to the surviving spouse without having to first pass through the administration of the estate.
6. **Joint Tenancy:** A joint tenancy estate is defined in the Civil Code as follows: A joint interest is one owned by two or more persons in equal shares, by a title created by a single will or transfer, when expressly declared in the will or transfer to be a joint tenancy. A chief characteristic of joint tenancy property is the right of survivorship. Upon the death of a joint tenant, title to the property in its entirety would be conveyed to the surviving tenant. As a consequence, joint tenancy property is not subject to disposition by will.
 - ◆ e.g., John Doe and Mary Doe, Husband and Wife as joint tenants
 - ◆ e.g., John Lee and Tom Gray, Married Couple as joint tenants
 - ◆ e.g., John Doe and Chris Jones, Domestic Partners as joint tenants
7. **Tenancy in Common:** Under tenancy in common, the co-owners own undivided interests, but unlike joint tenancy, these interests need not be equal in quantity or duration and may arise at different times. There is no right of survivorship; each tenant owns an interest which on his or her death vests in his or her heirs or devisees.
 - ◆ e.g., John Doe, a single man, as to an undivided 3/4 interest, and George Smith, a single man, as to an undivided 1/4 interest at tenants in common



Candice Francisco & Denise Shoda
CornerStone Title Company
Mobile: 408-891-9993
Candice.Francisco@CSTitleCo.com

CORNERSTONE
TITLE COMPANY
"Part of the TRG Family of Companies"

