



# COMMON WAYS TO HOLD TITLE TO REAL PROPERTY IN CALIFORNIA

	COMMUNITY PROPERTY	COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP	JOINT TENANCY	TENANCY IN COMMON	PARTNERSHIP	TRUST	LIMITED LIABILITY CO. [LLC]
<b>PARTIES</b>	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.	Any number of members.
<b>DIVISION OF INTERESTS</b>	Equal.	Equal.	Equal.	Any number of interests, equal or unequal.	Partnership interests may be equal or unequal.	Beneficial interests under trust may be equal or unequal.	Members interests may be equal or unequal.
<b>TITLE</b>	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 names of the trustee, "as trustee".	In the names of the LLC.
<b>POSSESSION</b>	Equal right of possession.	Equal right of possession.	Equal right of possession.	Equal right of possession.	According to partnership agreement.	According to trust agreement.	According to operating agreement.
<b>CONVEYANCE</b>	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.	Any managing member authorized by the operating agreement may convey.
<b>DEATH</b>	Decedent's 1/2 interest passes to survivor devised by will.	Decedent's 1/2 interest passes to survivor.	Decedent's interest passes to 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.	Operating agreement provides for either termination or the continuance of the LLC.
<b>SUCCESSOR'S STATUS</b>	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.	Heirs or devisee have rights to the member's interest but not in specific property.
<b>CREDITOR'S RIGHTS</b>	Community property is liable for the debts of either party incurred before or during marriage or domestic partnership.	Community property is liable for the debts of either party incurred before 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 cannot execute on a beneficiary's interest.	Only a member's right to receive profits can be executed upon by a member's judgment creditor.