

Ways To Take Title

	TENANCY IN COMMON	JOINT TENANCY	TENANCY BY ENTIRETY	JOINT TENANTS with Full Rights of Survivorship
Parties	Two or more persons or legal entities.	Two or more persons.	Must be legally married when title to the property is acquired.	Two or more persons.
Division	Ownership can be divided into any number of interests, equal or unequal.	Ownership interests must be identical and interests must be obtained at the same time.	Ownership interest cannot be divided.	Ownership of interests must be identical and interests must be obtained at the same time.
Title	Each co-tenant has a separate title to their undivided interest.	Each joint tenant has an equal undivided interest, which may be conveyed to a third party without the joinder of the remaining tenants.	There is only one title to the whole property, as both spouses are deemed to have a single undivided interest.	Each joint tenant holds a joint life estate coupled with a contingent remainder in fee to the survivor.
Possession	Equal right of possession, subject to specified amount of undivided interest.	Equal rights of possession.	Equal rights of possession.	Equal rights of possession.
Conveyance	Each co-tenant’s interest may be conveyed separately.	Conveyance by one joint tenant (without the others) breaks the joint tenancy as to that co-tenant.	Both spouses must join in conveyance. Separate interest cannot be used.	Conveyance by one joint tenant (without the other) does not sever the joint life estate.
Purchasers	Purchaser of less than the entire estate becomes a tenant in common with the other co-tenants.	Purchaser of less than the entire estate becomes a tenant in common with the former joint tenants.	Purchaser must receive deed with both spouses’ signatures.	The conveyance of one joint tenant’s interest to a third party conveys a “life estate interest” to the grantee for the life of the grantor, but the transfer has no effect on the contingent remainder. The contingent remainder is indestructible.
Death	Upon co-tenant’s death, his/her interest passes by will to his/her devisees or, if no will, then to his/her heirs. No survivorship rights.	Upon joint tenant’s death, decedent’s interest automatically passes to surviving joint tenant(s). Right of survivorship.	Upon a spouse’s death, the surviving spouse becomes the sole owner of the property. Right of survivorship.	Upon joint tenant’s death, decedent’s interest automatically passes to surviving joint tenant(s). For the purposes of determining right of survivorship for the whole property, the measure of survivorship is based on the lifetime of the original joint tenants. For example, A and B are joint tenants with full rights of survivorship. If B sells her interest in Blackacre to C while A was still alive, C only takes a life estate in Blackacre measured by B’s life. A’s contingent remainder is not affected. Therefore, if B dies before A, C’s interest ends and A holds Blackacre in fee simple.
Creditor’s Rights	Co-tenant’s interest may be sold on execution sale to satisfy a creditor. Creditor becomes a tenant in common.	Joint tenant’s interest may be sold pursuant to an execution sale to satisfy a creditor. Joint tenancy is broken and creditor becomes a tenant in common.	As to most judgment creditors, one spouse’s interest cannot be seized and sold separately. EXCEPTIONS: (1) a Federal Tax Lien against one spouse and (2) a valid judgment against BOTH spouses attach as a lien.	Joint tenant’s interest may be sold pursuant to an execution sale to satisfy a creditor. Joint tenancy is not broken and creditor does not become a tenant in common.
Note	This is the default title vesting when two or more unmarried individuals are taking title to real property and no other tenancy is specified.	A deed or devise to two or more grantees, other than a legally married couple, as “joint tenants” or “as joint tenants and not as tenants in common” creates a joint tenancy. A conveyance to John Doe and Jane Doe, “jointly” is insufficient to create a joint tenancy.	Property acquired by a legally married couple results in a tenancy by the entirety, unless another type of tenancy is specified.	Rights of survivorship must be expressly stated to create a joint tenancy with full rights of survivorship. For example, John Doe and Jane Doe, “as joint tenants with rights of survivorship,” or “as joint tenants and to the survivor”, “and to the survivor, ”or “or to the survivor” is sufficient to create a joint tenancy with full rights of survivorship.

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