



Title & Tenancy

DID YOU KNOW?

▶ **Tenancy in Severalty - Property owned by *John Smith***

- Liens against *John* are liens against his property, and will continue to attach after John's death.
- Upon *John's* death, his interest passes to his heirs or devisees through probate proceedings.

▶ **Joint Tenancy - Property owned by *Janet Chang, Suzy Jones, and Linda Ortega***

- *Janet, Suzy, and Linda's* interests in the property must be equal – each has a 1/3 interest.
- A lien against *Linda* is a lien against her 1/3 interest in the property only; upon *Linda's* death, that lien is ineffective as to the property.
- *Janet* does not need *Suzy* or *Linda's* consent, nor does she need to give them notice, if she (*Janet*) wishes to sell her interest in the property to others.
- Includes right of survivorship – meaning, upon death of *Suzy Jones*, her interest in the property passes to *Janet* and *Linda* without probate proceedings.

▶ **Tenancy by the Entirety - Property owned by *Harry and Joyce Liu, husband and wife***

- *Harry* and *Joyce* must be legally-married.
- Also for parties with a registered reciprocal beneficiary relationship (parties who may not legally marry - such as two brothers, mother-daughter, two friends of the same sex - and who are not currently married to another person).
- Includes right of survivorship - upon death of *Harry*, interest passes to *Joyce* without probate proceedings.
- Judgment liens against *Harry*, but not *Joyce*, do not attach to the property.
- Federal Tax Liens and Child Support Liens against *Harry*, but not *Joyce*, DO attach to the property.
- Neither *Harry* nor *Joyce* may sell, mortgage, etc. without the other's consent.

▶ **Tenancy in Common - Property owned by *Tom James (2/3 interest) and Fred Johnson (1/3 interest)***

- No right of survivorship between the co-tenants - upon death of *Tom*, his 1/3 interest goes to his heirs or devisees through probate proceedings.
- A lien against *Tom* is a lien against only his 2/3 interest in the property.
- *Tom* may sell, mortgage, etc. his interest without *Fred's* knowledge or permission.