

# Arizona Common Forms of Vesting Titles



	Tenancy In Common	Joint Tenancy	Community Property	Community Property w / Right of Survivorship
<b>Parties Involved</b>	Any number of persons (can be spouses)	Any number of persons (can be spouses)	Only spouses or domestic partners	Only spouses or domestic partners
<b>Division</b>	Ownership can be divided into any number of interests, equal or unequal	Ownership interests are equal	Ownership interests are equal	Ownership interests are equal
<b>Title</b>	Each co-owner has a separate legal title to his or her undivided interest	There is only one title to the whole property	Title in the "Community" (similar to title being in a partnership)	Title in the "Community" (similar to title being in a partnership)
<b>Conveyance</b>	Each co-owner's interest may be conveyed separately by its owner	Conveyance by one co-owner severs the joint tenancy	Both co-owners must join in conveyance of real property – separate interests cannot be conveyed	Both co-owners must join in conveyance of real property – separate interests cannot be conveyed
<b>Purchaser's Status</b>	Purchaser of an undivided interest becomes a tenant in common with other co-owners	Purchaser of an undivided interest becomes a tenant in common with other co-owners	Purchaser can only acquire whole title of community – cannot acquire a part of it	Purchaser can only acquire whole title of community – cannot acquire a part of it
<b>Upon Death</b>	Upon death the estate of the decedent must be "cleared" through probate, affidavit or adjudication	Upon co-owner's death, his or her interest passes automatically to the survivor(s)	Upon co-owner's death, decedent's half passes to surviving spouse unless willed to another party	Last survivor owns property individually
<b>Successor's Status</b>	Portion passing by will results in tenancy in common between devisee and survivor	Last survivor owns property in severalty	Portion passing by will results in tenancy in common between devisee and survivor	Last survivor owns property individually
<b>Creditor's Rights</b>	Co-owner's interest may be sold on execution sale to satisfy their creditor – creditor becomes a tenant in common	Co-owner's interest may be sold by execution sale to satisfy a judgment lien. Joint tenancy is severed, and creditor becomes tenant in common with other co-owner	Co-owner's interest cannot be seized and sold separately (whole property may be sold to satisfy debts of either spouse depending on the debt – consult attorney with specific questions)	Co-owner's interest cannot be seized and sold separately (whole property may be sold to satisfy debts of either spouse depending on the debt – consult attorney with specific questions)
<b>Presumption</b>	When vesting (form of ownership) is not specified, tenancy in common is presumed by law	Must be expressly stated and properly formed	Rebuttable presumption that any property acquired by spouses is community property (Consult attorney with specific questions). Must be specified on deed for title insurance purposes	Rebuttable presumption that any property acquired by spouses is community property (Consult attorney with specific questions). Must be specified on deed for title insurance purposes

This table summarizes the most common forms of vesting: the form of ownership taken – the vesting of title – provides guidelines for how a property should be passed, should one or all of the property owners become deceased. To understand how a Last Will and Testament or Trust can also be used in this scenario, please consult legal counsel. To learn more about common forms of vesting in California go to: [bit.ly/az-vesting-title](https://bit.ly/az-vesting-title).



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