

7 Common Ways To Hold Title...

1. A Single Man / Woman

A man or woman who is not legally married (i.e. John Doe, a single man).

2. An Unmarried Man / Woman

A man or woman who, having been married, is legally divorced (i.e. John Doe, an unmarried man).

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 signing a quitclaim deed or other similar instrument, thereby relinquishing all rights, title and interest in the property (i.e. John Doe, a married man, as his sole and separate property).

4. Community Property

The Washington Civil Code defines community property as property acquired by husband and wife, or either, during marriage, 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.

Holding property as community property can have certain tax advantages upon the death of a spouse. See your attorney or accountant for details.

Under community property, both spouses have the right to dispose of one-half of the community property by will, but all of it will go to the surviving spouse without administration, if the other spouse dies without a will. If a spouse exercises his/her right to dispose of one-half, that half is subject to administration in the estate (i.e. John Doe and Jane Doe, husband and wife, as community property).

5. 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. When a joint tenant dies, title to the property immediately vests in the survivor or surviving joint tenants. As a consequence, joint tenancy property is not subject to disposition by will (i.e. John Doe and Jane Doe, husband and wife, as joint tenants).

6. 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 from 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 (i.e. John Doe, a single man, as to an undivided 3/4th interest, and George Smith, a single man, as to an undivided 1/4 interest as tenants in common).

7. Domestic Partnership

The Domestic Partnership Expansion Act does not create a legal relationship equal to marriage but gives property rights to domestic partners that previously were only given to married persons. Most of the existing statutes that address rights of married persons in real property have been amended to include registered domestic partners. This includes community property, homestead, and inheritance rights as well as a procedure for Dissolution in Superior Court.



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