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Ownership Matrix

Ownership of real estate is granted to a person or persons in several types. The most common type of ownership seen is a grant in fee simple, which grants ownership of real estate to a person absolutely and unconditionally. Such a grant gives the person the right to the entire real estate with power to possess it and to transfer it to other persons.

If two or more persons are granted ownership of real estate, there are several ways they may own it together. One way is known as a "tenancy in common." This form of ownership gives the owners a unity of possession with separate and distinct titles to the real estate belonging to each owner. Each owner has a right to separately convey and transfer his/her title to the real estate. If one of the owners dies, his or her title passes to his or her heirs.

A second form of ownership for real estate is known as a "joint tenancy." In this form of joint ownership of real estate, each owner has one and the same interest in the real estate. The owners hold the right of survivorship, which means that if one of the owners dies, his/her interest automatically passes to the other owners.

A third form of joint ownership of real estate is known as a "tenancy by entirety," or "estate by entirety," which has the attributes of joint tenancy, plus the marital relationship of husband and wife. In this form of ownership, the interests of husband and wife in the real estate are viewed as one. There is a unity of ownership with a right of survivorship.

Another form of ownership found in some states is known as "community property." In a community property state, each spouse to a marriage has an undivided one-half (1/2) interest in the real estate. This relationship only applies to real estate owned by the husband and wife.

Black's Law Dictionary, Fifth Edition.

Alabama:	Alabama recognizes the following types of ownership: tenancy in common and joint tenancy with right of survivorship, but not tenancy by entirety and community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless the conveyance expressly states that a joint tenancy with right of survivorship is being created. Alabama Code §35-4-7.
Alaska:	Alaska recognizes the following types of ownership: tenancy in common and tenancy by entirety, but not community property and joint tenancy. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless a husband and wife create a tenancy by entirety between them. Alaska Code §34.15.120 through .140.
Arizona:	Arizona recognizes the following types of ownership: tenancy in common, joint tenancy and community property, but not tenancy by entirety. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless the deed contains an express statement that a joint tenancy is being created and accepted by the grantees. A conveyance to husband and wife during the marriage is presumed to be community property, unless expressly stated in the conveyance that a joint tenancy is being created and accepted by the grantees. Arizona Code §33-431.
Arkansas:	Arkansas recognizes the following types of ownership: tenancy in common, joint tenancy, and tenancy by entirety, but not community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless the conveyance expressly states otherwise. However, a conveyance to husband and wife creates a tenancy by entirety. Arkansas Code §18-12-401, 603.
California:	California recognizes the following types of ownership: tenancy in common, joint tenancy, community property, but not tenancy by entirety. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless the instrument specifically states that a joint tenancy is being created. In the case of husband and wife, the rules of community property apply. California CC §761, 682-85.
Colorado:	Colorado recognizes the following types of ownership: tenancy in common and joint tenancy, but not tenancy by entirety and community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless the instrument specifically states that a joint tenancy is being created. Colorado Code §38-31-101, 107.
Connecticut:	Connecticut recognizes the following types of ownership: tenancy in common and joint tenancy, but not tenancy by entirety and community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless the conveyance specifically states that a joint tenancy is being created. Connecticut Code §47-36a.
Delaware:	Delaware recognizes the following types of joint ownership: tenancy in common and joint tenancy, but not tenancy by entirety and community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless a joint tenancy is specifically created. Delaware Code §25-311, 701.
Florida:	Florida recognizes the following types of ownership: tenancy in common, joint tenancy and tenancy by entirety, but not community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless otherwise stated. A right of survivorship must be specifically stated. Florida Code §689.14-.15.
Georgia:	Georgia recognizes the following types of ownership: tenancy in common and joint tenancy, but not tenancy by entirety and community property. A grant of ownership of real estate to two or more

- Georgia (Cont.):** persons is presumed to create a tenancy in common, unless a joint tenancy is specifically created. Georgia Code §44-6-190.
- Hawaii:** Hawaii recognizes the following types of ownership: tenancy in common, joint tenancy, and tenancy by entirety. Hawaii does not recognize the community property type of ownership, except for land acquired from 6/45 through 6/49. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless otherwise expressly stated in the conveyance. Hawaii Chapter 510.
- Idaho:** Idaho recognizes the following types of ownership: tenancy in common, joint tenancy and community property, but not tenancy by entirety. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless a joint tenancy is specifically created. If the grantees are husband and wife, the real estate is considered to be community property. Idaho Code §55-104, 508.
- Illinois:** Illinois recognizes the following types of ownership: tenancy in common, joint tenancy and tenancy by entirety, but not community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless a joint tenancy is specifically created. In the case of husband and wife, a tenancy by entirety is created. Illinois Code §765-1005/1, 1c.
- Indiana:** Indiana recognizes the following types of ownership: tenancy in common, joint tenancy and tenancy by entirety, but not community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless a joint tenancy is specifically created. In the case of a deed for husband and wife, a tenancy by entirety is created. Indiana Code §32-1-2-7, 8.
- Iowa:** Iowa recognizes the following types of ownership: tenancy in common and joint tenancy, but not tenancy by entirety or community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless a joint tenancy is specifically created. Iowa Code §557.15.
- Kansas:** Kansas recognizes the following types of ownership: tenancy in common, joint tenancy and tenancy by entirety, but not community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless otherwise stated. Kansas Code §58-501.
- Kentucky:** Kentucky recognizes the following types of ownership: tenancy in common, tenancy by entirety and joint tenancy without a right of survivorship, but not community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless otherwise stated in the instrument. Kentucky Code §381.050, 120.
- Louisiana:** Louisiana does not recognize common law estates. Joint ownership is referred to as ownership in indivision. All co-owners re presumed to be equal. Co-owners may convey or alienate their individual shares, but consent of all owners is necessary to affect the whole real estate held in indivision. Louisiana CC §797-806.
- Maine:** Maine recognizes the following types of ownership: tenancy in common and joint tenancy, but not tenancy by entirety or community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless a joint tenancy is specifically created. Maine T.33, §159.
- Maryland:** Maryland recognizes the following types of ownership: tenancy in common, joint tenancy and tenancy by entirety, but not community. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless expressly stated otherwise. In the case of husband and wife, Maryland law presumes a tenancy by entirety is created. Maryland Real Prop. Art. §2-117.
- Massachusetts:** Massachusetts recognizes the following types of ownership: tenancy in common, joint tenancy and tenancy by entirety, but not community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless the deed expressly states otherwise. Massachusetts C. 184, §7.
- Michigan:** Michigan recognizes the following types of ownership: tenancy in common, joint tenancy and tenancy by entirety, but not community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless otherwise stated in the conveyance. In the case of a conveyance to husband and wife, it is presumed a tenancy by entirety is created. Michigan CLA §554.43-.45.
- Minnesota:** Minnesota recognizes the following types of ownership: tenancy in common and joint tenancy, but not tenancy by entirety or community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless a joint tenancy is expressly created in the conveyance. Minnesota Code §500.01, .19.
- Mississippi:** Mississippi recognizes the following types of ownership: tenancy in common, joint tenancy and tenancy by entirety, but not community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless otherwise stated in the conveyance. Mississippi Code §89-1-5.
- Missouri:** Missouri recognizes the following types of ownership: tenancy in common, joint tenancy and tenancy by entirety, but not community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless otherwise stated in the conveyance. Missouri Code §442.025, .450.
- Montana:** Montana recognizes the following types of ownership: tenancy in common, joint tenancy and partnership, but not tenancy by entirety or community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless otherwise stated in the conveyance. Montana Code §70-1-306, 314; 70-15-202.
- Nebraska:** Nebraska recognizes the following types of ownership: tenancy in common and joint tenancy, but not tenancy by entirety and community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless a joint tenancy is expressly created in the deed.
- Nevada:** Nevada recognizes the following types of ownership: tenancy in common, joint tenancy and community property, but not tenancy by entirety. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless otherwise stated in the conveyance. The community property law applies to husband and wife. Nevada Code §111.060-.065; 123.030.
- New Hampshire:** New Hampshire recognizes the following types of ownership: tenancy in common and joint tenancy, but not community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless otherwise stated in the conveyance. A conveyance to husband and wife as to tenancy by entirety creates a joint tenancy. New Hampshire C. 477, §18-19.

New Jersey:	New Jersey recognizes the following types of ownership: tenancy in common, joint tenancy and tenancy by entirety, but not community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless otherwise stated in the conveyance. In the case of husband and wife, a tenancy by entirety is created unless stated otherwise. New Jersey Code §46-3-17, 17.2, 17.3; 3B-11-3.
New Mexico:	New Mexico recognizes the following types of ownership: tenancy in common, joint tenancy and community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless a joint tenancy is expressly created in the conveyance. In the case of husband and wife, community property is presumed. New Mexico Code §47-1-36.
New York:	New York recognizes the following types of joint ownership: tenancy in common, joint tenancy and tenancy by entirety, but not community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless expressly stated otherwise in the conveyance. In the case of married persons, a tenancy by entirety is presumed to have been created. New York E.P.T.L. §6-1.1, 6-2.2.
North Carolina:	North Carolina recognizes the following types of ownership: tenancy in common, joint tenancy and tenancy by entirety, but not community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless otherwise expressly stated in the conveyance. North Carolina Code §41-2.
North Dakota:	North Dakota recognizes the following types of ownership: tenancy in common and joint tenancy, but not tenancy by entirety or community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless a joint tenancy is expressly created in the conveyance. North Dakota Code §47-02-05.
Ohio:	Ohio recognizes the following types of ownership: tenancy in common, joint tenancy and tenancy by entirety created prior to April 4, 1985, but not community property and tenancy by entirety after April 4, 1985. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless otherwise expressly stated in the conveyance. Ohio Code §5302.17-.21.
Oklahoma:	Oklahoma recognizes the following types of ownership: tenancy in common, joint tenancy and tenancy by entirety, but not community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless the conveyance specifically and expressly creates a joint tenancy or tenancy by entirety. Oklahoma Code §58-911-12; 60-74.
Oregon:	Oregon recognizes the following types of ownership: tenancy in common and tenancy by entirety, but not joint tenancy and community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, except in the case of husband and wife in which case a tenancy by entirety is created. A right of survivorship may be created if specifically expressed in the conveyance. Oregon Code §93.120, .180.
Pennsylvania:	Pennsylvania recognizes the following types of joint ownership: tenancy in common, joint tenancy and tenancy by entirety, but not community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless a joint tenancy with right of survivorship is specifically created. In the case of husband and wife, a tenancy by entirety is created. Pennsylvania Code §68-110.
Rhode Island:	Rhode Island recognizes the following types of ownership: tenancy in common, joint tenancy and tenancy by entirety, but not community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless otherwise expressly created in the conveyance. Rhode Island Code §34-3-1, 2.
South Carolina:	South Carolina recognizes the following types of ownership: tenancy in common and joint tenancy, but not tenancy by entirety and community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless a right of survivorship is expressly created in the conveyance. South Carolina Common Law.
South Dakota:	South Dakota recognizes the following types of ownership: tenancy in common and joint tenancy, but not tenancy by entirety or community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless a joint tenancy with right of survivorship is expressly created. South Dakota Code §43-2-11 through 14.
Tennessee:	Tennessee recognizes the following types of ownership: tenancy in common, joint tenancy and tenancy by entirety, but not community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless expressly stated otherwise including a statement of a right of survivorship. Tennessee Code §66-1-102 onward.
Texas:	Texas recognizes the following types of joint ownership: tenancy in common, joint tenancy and community property, but not tenancy by entirety. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless a right of survivorship is expressly stated in the conveyance. In the case of a husband and wife, community property law applies. Texas Prob. Code §46, 451; Fam. Code. §5.01 onward.
Utah:	Utah recognizes the following types of ownership: tenancy in common and joint tenancy, but not tenancy by entirety and community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless a joint tenancy is expressly created in the deed or conveyance. Utah Code §57-1-2 onward.
Vermont:	Vermont recognizes the following types of joint ownership: tenancy in common, joint tenancy and tenancy by entirety, but not community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless otherwise expressly stated in the conveyance. In the case of husband and wife, a tenancy by entirety is created. Vermont Code §27-2.
Virginia:	Virginia recognizes the following types of ownership: tenancy in common, joint tenancy and tenancy by entirety, but not community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless a right of survivorship is expressly stated by the conveyance. Virginia Code §55-20, 21.
Washington:	Washington recognizes the following types of joint ownership: tenancy in common, joint tenancy and community property, but not tenancy by entirety. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless a joint tenancy with right of survivorship is expressly created in the conveyance. In the case of husband and wife, the real estate is community property. Washington Code §26.16; 11.04.071; 64.28.010-.040.

- West Virginia:** West Virginia recognizes the following types of joint ownership: tenancy in common and right of survivorship, but not community property. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless a right of survivorship is clearly stated in the conveyance. West Virginia Code §36-1-10 onward.
- Wisconsin:** Wisconsin recognizes the following types of ownership: tenancy in common, joint tenancy and community property, but not tenancy by entirety. A grant of ownership of real estate to two or more persons is presumed to create a tenancy in common, unless a joint tenancy with the right of survivorship is specifically created in the conveyance. In the case of husband and wife, community property law applies to the real estate. Wisconsin Code §700.02 onward; 766.605.
- Wyoming:** Wyoming recognizes the following types of ownership: tenancy in common, joint tenancy and tenancy by entirety, but not community property. Wyoming Code §34-1-140.