

Canada

JOINT TENANTS:

Joint Tenancy means that, should a purchaser become deceased, the remaining purchaser(s) on title will inherit the deceased's interest in the property. Where one of the "joint tenants" dies, the surviving joint tenant(s) automatically becomes the owner(s) of the property no matter what a will might state. This is the manner of holding title most commonly used by spouses.

TENANTS IN COMMON:

Tenancy in Common means that should a purchaser become deceased, that deceased person's interest in the real estate will be transferred according to that person's will or, if no will exists, according to the Law of Ontario (if the real estate is in Ontario).

IN TRUST:

A trust situation should be discussed with a lawyer. It generally signifies that the person who is registered on title in the Ontario Land Registry Office is not the true, or beneficial, owner.

e.g. 'JOHN SMITH, IN TRUST'

It does not usually indicate (but it can) on the face of the document who is, in fact, the real owner (the beneficial owner).

PARTNERSHIP AGREEMENT:

If more than one person will be shown on title as owner and, if only one person is providing all (or a substantial portion) of the funds needed for the purchase, you may wish to consider entering into a special partnership agreement to avoid any future misunderstanding with respect to distribution of proceeds upon a resale of the property. Should you wish such an agreement to be prepared for signature when you sign final closing documents, please inform this office. Our fee for such a typical agreement is \$50.00. One of the features of such an agreement is to return to each purchaser whatever cash was originally contributed by each purchaser at the time of completing the transaction as well as any additional contributions made to improving the property during the period of ownership (such as, new roof, finishing basement, remodelling kitchen, new floorings, addition to house, etc.). Other features of the agreement deal with distribution of the balance of proceeds once the property is eventually resold and what happens if one partner wishes to sell and the other partner does not.

Taking Title in Arizona

COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP: Community property with right of survivorship is a method of ownership by husband and wife that vests title in the surviving spouse upon the death of one of the spouses.

COMMUNITY PROPERTY: Arizona is a community property state. There is a statutory presumption that all property acquired by husband and wife is community property. Community property is a method of co-ownership for married persons only. Upon death of one of the spouses, the deceased spouse's interest will pass by either a will or interstate succession.

SOLE AND SEPARATE: Real Property owned by a spouse before marriage or any acquired after marriage by gift, devise, descent or specific intent. If a married person acquires title as sole and separate property, the spouse must execute either a disclaimer deed or a quit claim deed.

JOIN TENANCY WITH RIGHT OF SURVIVORSHIP: An undivided interest in property, taken by two or more joint tenants. The interest must be equal; occurring under the same conveyance, and beginning at the same time. Upon death of a joint tenant, the interest passes to the surviving joint tenant or tenants, rather than to the heirs of the deceased. If a married couple acquires title as joint tenants with right of survivorship, they must specifically accept the joint tenancy to avoid the presumption of community property.

TENANCY IN COMMON: A method of co-ownership where parties do not have survivorship rights and each owns a specific undivided interest in the entire title. **CORPORATION:** Any group of people "incorporating" by following certain statutory procedures may take title to real property in the name of the corporation.

GENERAL PARTNERSHIP: Title may be taken in the name of a general partnership duly formed under the laws of the state of the formation of the partnership. A partnership is defined as a voluntary association of two or more persons as co-owners in a business for profit.

LIMITED PARTNERSHIP: A partnership formed by two or more persons under the laws of Arizona or another state and having one or more general partners and one or more limited partners. A certificate of limited partnership must be filed in the Office of the Secretary of State, a certified copy of which must be recorded.