

WAYS TO TAKE TITLE

Taking Title To Real Property

The three most common ways of taking title to real estate in Colorado are:

- A) in severalty,
- B) as tenants in common, or
- C) as joint tenants.

Colorado state law prevents your broker from advising you on how to take title. It is strongly recommended that legal counsel be consulted to advise each buyer which type of ownership is best.

Tenancy in Severalty:

Ownership of property vested in one person alone rather than held jointly with another also called several tenancy or sole tenancy.

Tenancy in Common:

Tenancy in Common is a holding of an estate in land by two or more persons who need hold only by the unity of possession. As distinct from a joint tenancy, the tenants of a tenancy in common need not have the same proportionate share and subject to the rights of possession of the other tenants.

Joint Tenancy:

A joint tenancy, all the co-owners are equally entitled to the use, enjoyment, control, and possession. The most distinguishing characteristic of the joint tenancy is the right of survivorship.

The right of survivorship which accompanies a joint tenancy ownership does eliminate some of the legal complications of probate in the event of the death of the parties. However, inheritance taxes are assessable and evidence of the death must be placed on record. Disadvantages of joint tenancy may arise if marital difficulties occur, or if one of the parties has obligations or responsibilities (children) resulting from a previous marriage. The financial and tax situation of the parties may also dictate that a tenancy in common ownership is best. Realtors cannot recommend how should take title to your home. It is strongly recommended that an attorney be consulted for a specific recommendation of how you should take title.