

Common Ways to Hold Title

When purchasing real estate in Pennsylvania, buyer(s) will need to decide how they are going to take title to the real property. The way in which they acquire and hold title is very important as it will not only structure legal ownership, but it will also determine how the ownership is transferred upon their death. There are several common ways to take and hold title.

- **TENANCY IN COMMON:** Two or more people acquire title to real property as percentage owners, usually an equal percentage between all owners. Each owner will hold an individual, undivided interest in real property. This means every owner has the right to equal possession and use of the real property as a whole regardless if the percentages of interests are not equal. Any owner can encumber, sell, or transfer their distinct ownership interest without consent of the other owner(s). Upon the death of an owner, their interest will transfer to another owner(s) as per the decedent's Last Will and Testament or the Intestacy Laws of Pennsylvania.
- **JOINT TENANTS WITH RIGHT OF SURVIVORSHIP:** Two or more people acquire title to real property jointly. This means each owner will have an equal share of the real property, as well as the right to equal possession and its use as a whole. No owner can encumber their interest without the consent of the other owner(s). Upon the death of an owner, their interest is automatically transferred to the surviving owner(s). This will continue until the full title is vested in a sole owner, and this owner will be legally allowed to transfer, encumber, or sell the real estate without consent from anyone.
- **TENANCY BY THE ENTIRETY:** A married couple acquires title to real property jointly. Each spouse will have an equal share of the real property, as well as the right to equal possession and use of the whole. Neither spouse, acting alone, can convey their ownership interest to a third party. A creditor of one spouse is unable to execute upon the real property owned by Tenants by the Entirety. This form of ownership can only be dissolved by divorce, death of a spouse, or joint action from both owners. Upon the death of a spouse, their interest is automatically transferred to the surviving spouse.

1423 N. Atherton St., 2nd Floor | State College, PA 16803
P: 814.689.1741 | F: 814.690.1621

ALTOONA 919 Logan Blvd., Altoona, PA 16602
LEWISTOWN 405 Electric Ave., Lewistown, PA 17044
MUNCY 23 South Main St., Muncy, PA 17756

client@settlementsdirect.com
settlementsdirect.com

 Facebook.com/USofPA

 Universal Settlement Services
of Pennsylvania, LLC

 Instagram.com/USofPA