



# CHAMPION ESCROW · INC

9655 Las Tunas Drive, Temple City, CA 91780

TEL: 626-656-8788 • FAX: 626-656-8789

[www.championescrow.com](http://www.championescrow.com)

## 同時共同擁有產權的專業用詞及比較 Co-Ownership Vesting Comparison & Terminology

	夫妻共有財產權 (Community Property)	聯合共有權 (Joint Tenancy)	夫妻共有財產附加 未亡人繼承權 (Community Property with Right of Survivorship)	共同擁有權 (Tenancy in Common)
<b>當事人 (Parties)</b>	必須是夫妻或是同居伴侶	兩人或兩人以上 (可為夫妻或同居伴侶)	必須是夫妻或是同居 伴侶	兩人或兩人以上 (可為夫妻或同居伴侶)
<b>產權分配方式 (Division)</b>	所有權和管理權是均等的, 除了營業的控制是 屬於其中一位配偶或同居伴侶	所有權必須均等	所有權是均等的	所有權可以分成許多份, 均等與 不均等 皆可
<b>所有權 (Title)</b>	所有權是夫妻兩人共有, 每人擁有單獨的利益, 可是管理是一致的	整個地產只有一個 所有權	所有權是夫妻兩人或同居伴侶共有的。利益是單獨擁 有的	每一位共同擁有者, 會各有一份 分開的法定所有權
<b>財產控制權 (Possession)</b>	兩位共同擁有者皆有均等的控制及管理權	均等的控制權	兩位共同擁有者皆有均等的控制權	均等的控制權
<b>轉讓 (Conveyance)</b>	個人財產(除“必需品”以外)可以不需配偶/同居 伴侶的同意以有價報酬轉讓, 房地產的轉讓必 需取得配偶的書面同意, 而個人利益, 除了死亡 之外, 不可轉讓	任何一位共同擁有者在未經其 他人的同意, 就獨自轉讓其利益 時, 即破壞聯合共有權	房地產需要配偶/同居伴侶的書面同意, 而個人利益, 除 了死亡之外, 不可轉讓	每一位共同擁有者的利益都可 以由擁有者個別轉讓
<b>買主狀況 (Purchaser's Status)</b>	買主只能取得整個夫妻共有財產權, 而不能只 是取得一部分	買主將與其他共同擁有者成為 產業的共同擁有者		買主將與其他共同擁有者成為 產業的共同擁有者
<b>當事人亡故 (Death)</b>	當其中一位共有人死亡時, 一半的產權由未亡 人獨自取得, 另一半的產權由遺囑轉給後裔或 由生存者繼承	當共同擁有者死亡時, 其利益將 終止, 也不能由遺囑支配。生存 者享有繼承產業	當其中一位共有人死亡時, 未亡人取得所有財產。未亡 人繼承權就是夫妻共有財產附加 未亡人繼承權最主要的附加條件	當共有人死亡時, 其利益由遺囑 轉與受贈人或繼承人。生存者沒 有生存繼承權
<b>繼承人狀況 (Successor's Status)</b>	假使由遺囑繼承, 那麼受贈人和生存者將以共 同擁有權的形式繼承	最後生存者獨自擁有所有財產	假使由遺囑繼承, 那麼受贈人和生存者將以共同擁有權 的形式繼承	受贈人或繼承人將以共同擁有 權的形式繼承
<b>債權人的權利 (Creditor's Rights)</b>	在共有產業下夫妻兩人中任何一人在婚前或婚 後, 以及於1975年1月一日之後所發生有合 同的債務都可用作償還, 共有人不可單獨出售自 己的利益, 整個產業可以被執行出售以滿足債 主權益	共同擁有人的利益可以被執行 出售以滿足債主權益。聯合共有 權將被破壞, 債主將成為共同 擁有人	在共有產業下夫妻兩人中任何一人在婚前或婚後, 以及 於1975年1月一日之後所發生有合同的債務都可用作 償還, 共有人不可單獨出售自己的利益, 整個產業可以 被執行出售以滿足債主權益	共同擁有人的利益可以被執行 出售以滿足債主權益, 債主將成 為共同擁有人
<b>法律推定 (Presumption)</b>	法律強力推定由夫妻/同居伴侶購買的地產是屬 於共有產業	必需明確聲明, 否則法律不偏向 支持這個形式		除了夫妻/同居伴侶之間的糾紛 之外, 法律偏向支持這個形式

以上的資料是義務性提供。僅供參考, 請勿將其當作法律上或稅務上的建議。我們鼓勵當事人在決定選用哪種共同產權之前, 事先向自己的私人律師及私人會計師, 諮詢法律上和稅務上的建議。

The above information is provided as a courtesy for informational purposes only and shall not be interpreted as legal or tax advice. Parties shall seek their own independent legal and tax advice from an attorney and/or an accountant before determining the method of holding title.



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## Co-Ownership Vesting Comparison & Terminology

	COMMUNITY PROPERTY	JOINT TENANCY	Community Property with Right of Survivorship	TENANCY IN COMMON
<b>Parties</b>	Only husband and wife or domestic partners.	Two or more persons (may be spouses or domestic partners).	Husband and wife or domestic partners.	Two or more persons (may be spouses or domestic partners).
<b>Division</b>	Ownership and managerial interest are equal except control of business is solely with managing spouse/partner.	Ownership interest must be equal.	Ownership interest is equal.	Ownership can be divided into any number of interest equal or unequal.
<b>Title</b>	Title is in the “community”. Each interest is separate but management is unified.	There is only one title to the whole property.	Title is in the “community”. Each interest is separate.	Each co-owner has a separate legal title to his undivided interest.
<b>Possession</b>	Both co-owners have equal management and control.	Equal right of possession.	Both co-owners have equal possession.	Equal right of possession.
<b>Conveyance</b>	Personal property (except “necessaries”) may be conveyed for valuable consideration without consent of other spouse/partner; real property requires <b>written</b> consent of other spouse/partner, and separate interest cannot be conveyed except upon death.	Conveyance by one co-owner without the others break his joint tenancy.	Real property requires written consent of other spouse/partner, and with separate interest cannot be conveyed except upon death.	Each co-owner’s interest may be conveyed separately by its owner.
<b>Purchaser’s Status</b>	Purchaser can only acquire whole title of community; cannot acquire a part of it.	Purchaser will become a tenant in common with the other co-owners in the property.		Purchaser will become a tenant in common with the other co-owner in the property.
<b>Death</b>	On co-owner’s death, 1/2 belongs to survivor in severalty 1/2 goes by will to decedent’s devisees or by succession to survivor.	On co-owner’s death, his interest ends and cannot be deposed of by will. Survivor owns the property by survivorship.	On co-owners death the entire tenancy remains to the survivor. This right of survivorship is one of the primary incident of community property with right of survivorship.	On co-owner’s death his interest passes by will to his devisees or his heir. No survivorship right.
<b>Successor’s Status</b>	If passing by will, tenancy in common between devisee and survivor results.	Last survivor owns property in severalty.	If passing by will, tenancy in common between devisee and survivor results.	Devisee or heirs become tenants in common.
<b>Creditor’s Rights</b>	Property of community is liable for contracts of either spouse/partner which are made after marriage and prior to or after marriage and prior to or after January 1, 1975. Co-owner’s interest can’t be sold separately; whole property may be sold on execution to satisfy creditor.	Co-owner’s interest may be sold on execution sale to satisfy creditor. Joint tenancy is broken, creditor becomes tenant in common.	Property of community is liable for contracts of either spouse/partner which are made after marriage and prior to or after January 1, 1975. Co-owner’s interest can note be sold separately; whole property may be sold on execution to satisfy creditor.	Co-owner’s interest may be sold on execution sale to satisfy his creditor. Creditor becomes tenant in common.
<b>Presumption</b>	Strong presumption that property acquired by husband and wife/domestic partners is community property.	Must be expressly stated. Not favored.		Favored in doubtful cases except husband and wife/domestic partners case.

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