Flathead Premier
Title Company

4 WAYS YOU CAN HOLD TITLE

There are different ways that you can hold title in Montana. Different options hold different benefits

	JOINT TENANCY	TENANCY IN COMMON	PARTNERSHIPS	TRUST ARRANGEMENTS
PARTIES	Any number of persons (cannot be artificial entity such as corporation, LLC or trustee of trust)	Any number of persons/entities may hold title as tenants in common	Only partners/shareholders/ members of artificial entity	Trustee and beneficiaries of trust (may be individuals, trusts or any legally created entity)
DIVISION	Ownership interests must be equal (can have equal interests in undivided interest)	Ownership can be divided into any number of interests, equal or unequal, must total 100%	Single legal entity, partners/ shareholders/members own interest in entity, not the property held	Interests in trust are personal property, in accordance with terms of trust
TITLE	Each joint tenant has separate legal title to undivided interest, subject to right of survivorship	Each owner has a separate legal title to undivided interest	Title is in the artificial entity	Held in name by trustee(s)
POSSESSION	Equal right of possession	Equal right of possession	Entity has sole right of possession. Entity's organizational documents determine individual partner's/ shareholder's/member's rights, if any	In accordance with terms of trust
CONVEYANCE	Each owner's interest may be conveyed or encumbered individually, but conveyance or encumbrance without joinder of other joint tenants severs joint tenancy	Each owner's interest may be conveyed separately	Conveyance authority determined by organizational documents and applicable statutes	Trustee has authority to convey in accordance with terms and limitations of trust agreement
DEATH	On co-owner's death, interest passes to surviving joint tenants. Interest may not be disposed of by will	Interest passes by will or intestate if no will. Interest must be probated	Entity not capable of dying. Impact, if any, of death of partner/shareholder/member on affairs of entity determined by organizational documents and applicable statutes	Upon death of trustee, successor trustee (if any) holds title on behalf of trust. Effect of interests in trust upon death of a beneficiary determined by terms of trust agreement
SUCCESSOR STATUS	Last survivor owns property	Devise or heir becomes tenant in common with other owners	Interest, but not management authority, of partner/ shareholder/member in the entity passes by will or, if no will, by intestate succession	Defined by terms of trust agreement
CREDITOR'S RIGHTS	Involuntary lien of creditor or deed of trust terminates on death of joint tenant. If creditor executes on lien prior to death and acquires title, becomes tenant in common with remaining joint tenants	Owner's interest may be sold on execution sale to satisfy creditor. Creditor becomes tenant in common with remaining owners	Creditor of partner/shareholder/ member may obtain order attaching interest in entity, but not property held by entity	Creditor with lien/judgment against beneficiary may execute on beneficiary's interest in trust, not property held by trust. Lien against individual trustee may not attach to trust. However, if trustee is settler or revocable trust, lien may attach
PRESUMPTIONS	Creation of joint tenancy must be in writing	Joint ownership presumed to be tenants in common, unless title acquired by "husband and wife"	Property must be expressly vested in partnership	Property must be expressly vested in trustee of trust. Trust is created by executed trust agreement

**No legal or tax advice is being communicated; seek legal or tax advice from your attorney or accountant.