

Ways to Hold Title in Pennsylvania

The *type of tenancy* indicates how the ownership is legally structured and how the property's ownership will be handled after one of the tenants is gone.

The following three options are available in Pennsylvania. For legally married couples in both states, “tenants by the entirety” offers the most comprehensive protection under the law.

TENANTS IN COMMON

Two or more persons in whom title to a single piece of real estate is vested in such a manner that they have a common or equal right to possession and enjoyment of the property, but each holds a separate individual interest or estate in the property. Each owner may sell or encumber his/her respective interest or dispose of it by will, and if he/she dies without leaving a will, his/her heirs inherit his/her undivided interest.

JOINT TENANTS WITH RIGHT OF SURVIVORSHIP

Two or more persons who hold title to real estate jointly, with equal rights to share in its enjoyment during their respective lives with the provision that upon the death of a joint tenant his/her share in the property passes to the surviving tenants, and so on, until the full title is vested in the last survivor. A joint tenant cannot legally encumber his/her interest without the consent or joinder of all of the joint tenants.

TENANTS BY THE ENTIRETY

A modification of joint tenancy between husband and wife only. Has the quality of survivorship, but neither spouse can convey his or her interest to break the joint tenancy. Upon the death of either husband or wife, full title passes to the survivor. Absent mutual consent, neither spouse can alienate the right of survivorship by any act as long as the marriage lasts. Tenancy by entirety protects both spouses through the law. Tenancy by entirety laws are built on the premise that the wife cannot be held accountable for the debts of the husband and vice versa.