

# VESTING FORM

(Please use ONE form for each individual, husband and wife, or domestic partnership)

To: TITLE COMPANY  
Escrow No.:

Date: \_\_\_\_\_

ESCROW HOLDER IS HEREBY INSTRUCTED BY THE UNDERSIGNED THAT TITLE TO THE PROPERTY IN THIS ESCROW TO BE VESTED AS FOLLOWS:

1. YOUR NAME(S): \_\_\_\_\_  
(PRINT EXACTLY how you wish to hold title, which will be EXACTLY how you will need to sign all documents; You will need a picture identification in this name for your signature to be notarized.) **If a trust, please provide a copy of your trust.**

**2. PLEASE INDICATE ONE:**

- |  |   |
|--|---|
| <input type="checkbox"/> Husband And Wife  | <input type="checkbox"/> A Single Woman (never been married)        |
| <input type="checkbox"/> Domestic Partners (California property only)            | <input type="checkbox"/> An Unmarried Man (divorced, final filed)   |
| <input type="checkbox"/> A Married Man as his sole and separate property **      | <input type="checkbox"/> An Unmarried Woman (divorced, final filed) |
| <input type="checkbox"/> A Married Woman as her sole and separate property **    | <input type="checkbox"/> A Widower (male)                           |
| <input type="checkbox"/> Domestic Partner as their sole and separate property ** | <input type="checkbox"/> A Widow (female)                           |
| <input type="checkbox"/> A Single Man (never been married)                       |   |

3. \*\* IF YOUR MARITAL STATUS IS SEPARATED OR YOU ARE MARRIED/DOMESTIC PARTNER, AND TAKING TITLE ALONE, your vesting will show as "a married (domestic partner) man/woman as his/her sole and separate property." In this case, we will need the name of your spouse/domestic partner. An Interspousal Transfer Deed will be drawn for your spouse's signature. IN THIS CASE, PLEASE PRINT YOUR SPOUSE'S/DOMESTIC PARTNER'S NAME HERE:

\_\_\_\_\_

4. IF TWO (2) OR MORE PEOPLE ARE TAKING TITLE TOGETHER, please check one of the following:

- |   |  |
|---|--|
| <input type="checkbox"/> As Community Property w/ Right of Survivorship | <input type="checkbox"/> As Community Property   |
| <input type="checkbox"/> As Joint Tenants                               | <input type="checkbox"/> As Tenants in Common*** |

5. \*\*\* IF TITLE IS HELD AS "TENANTS IN COMMON", or if more than one married/domestic partnership couple are taking title as Tenants in Common, please give the percentage of vesting interest of each person to hold title: (Total to equal 100%)

\_\_\_\_\_

NOTE: SHOULD THERE BE ANY QUESTIONS REGARDING YOUR VESTING, CONSULT AN ATTORNEY OR YOUR C.P.A.

\_\_\_\_\_  
Borrower Signature

\_\_\_\_\_  
Borrower Signature

# VESTING INFORMATION SHEET

The following information regarding vesting is provided for informational purposes only. We suggest contacting an Attorney and/or Certified Public Accountant for specific advice as to how you should actually vest your title.

	<b>TENANCY IN COMMON</b>	<b>JOINT TENANCY</b>	<b>COMMUNITY PROPERTY</b>	<b>COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP</b>
<b>Parties</b>	Any number of persons. (can be husband and wife, or domestic partners in California).	Any number of persons, (can be husband and wife, or domestic partners in California).	Only husband and wife and domestic partners (in California) after Jan 1, 2005.	Husband and wife (only when interest is created on or after July 1, 2001) and domestic partnerships (in CA) after Jan 1, 2005.
<b>Division</b>	Ownership can be divided into any number of interests, equal or unequal.	Ownership interests cannot be divided.	Ownership interests are equal.	Ownership interests are equal.
<b>Title</b>	Each co-owner has a separate legal title to his undivided interest.	There is only one title to the whole property.	Title is in the "community". (Similar to title being in a partnership).	Title is in the "community". (Similar to title being in a partnership).
<b>Possession</b>	Equal right of possession.	Equal right of possession.	Equal right of possession.	Equal right of possession.
<b>Conveyance</b>	Each co-owner's interest may be conveyed separately by its owner.	Conveyance by one co-owner without the others breaks the joint tenancy.	Both co-owners must join in conveyance of real property. Separate interests cannot be conveyed.	Both co-owners must join in conveyance of real property. Separate interests cannot be conveyed.
<b>Purchaser's Status</b>	Purchaser becomes a tenant in common with the other co-owners.	Purchaser becomes a tenant in common with the other co-owners.	Purchaser can only acquire whole title of community; cannot acquire a part of it.	Purchaser can only acquire whole title of community; cannot acquire a part of it.
<b>Death</b>	On co-owner's death, his interest passes by will to his devisees or heirs. No survivorship right.	On co-owner's death, his interest ends and cannot be willed. Survivor owns the property by survivorship.	On co-owner's death, 1/2 goes to survivor in severalty. Up to 1/2 goes by will or succession to others. (Consult attorney with specific questions).	On co-owner's death, decedent's interest ends and cannot be willed. Survivor owns the property by survivorship..
<b>Successor's Status</b>	Devisees or heirs become tenants in common.	Last survivor owns property in severalty.	If passing by will, tenancy in common between devisee and survivor results.	Last survivor owns property in severalty.
<b>Creditor's Rights</b>	Co-owner's interest may be sold on execution sale to satisfy his creditor. Creditor becomes a tenant in common.	Co-owner's interest may be sold on execution sale to satisfy creditor. Joint tenancy is broken, creditor becomes tenant in common.	Co-owner's interest cannot be seized and sold separately. The whole property may be sold to satisfy debts of either husband or wife, depending on the debt. (Consult attorney with specific questions.)	Co-owner's interest cannot be seized and sold separately. The whole property may be sold to satisfy debts of either husband or wife, depending on the debt. (Consult attorney with specific questions.)
<b>Presumption</b>	Favored in doubtful cases except husband and wife. (see community property).	Must be expressly stated and properly formed. Not favored.	Strong presumption that property acquired by husband and wife or domestic partnership is community.	Strong presumption that property acquired by husband and wife or domestic partnership is community.

THIS IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY. SPECIFIC QUESTIONS FOR ACTUAL REAL PROPERTY TRANSACTIONS SHOULD BE DIRECTED TO YOUR ATTORNEY OR C.P.A