Common Ways to Hold Title in Texas

Advantages and limitations of common vesting options

How you take title to real property has important legal and tax consequences. Texas is a **community property** state, which affects several of the options below. These summaries are for general information only.

Sole ownership

- **A single person** — someone who is not married. (Example: John Doe, a single man.)
- **An unmarried person** — someone who was married and is now legally divorced. (Example: Jane Doe, an unmarried woman.)
- **A married person, as sole & separate property** — a married person acquiring title alone; the spouse typically must consent and relinquish interest in writing. (Example: John Doe, a married man, as his sole and separate property.)

Co-ownership

- **Community property** — property acquired by spouses during marriage (other than by gift or inheritance) is presumed community property in Texas.
- **Community property with right of survivorship** — spouses may agree in writing that community property passes automatically to the surviving spouse, avoiding probate of that interest — a Texas-specific option.
- **Joint tenancy with right of survivorship** — equal interests created in one instrument; on one owner's death the survivor owns the whole. In Texas this generally requires a written survivorship agreement.
- **Tenancy in common** — co-owners hold undivided interests that need not be equal; there is no right of survivorship — each share passes to that owner's heirs or devisees.
- **Title held in trust** — a trustee holds title for the benefit of the beneficiaries under the terms of the trust; naming successor beneficiaries can avoid probate.

At a glance

VESTING	RIGHT OF SURVIVORSHIP?	WHAT HAPPENS ON DEATH
Community property	No (unless a survivorship agreement)	Decedent's ½ passes by will or intestacy
Community property w/ ROS	Yes	Passes automatically to the surviving spouse
Joint tenancy w/ ROS	Yes	Passes automatically to surviving joint tenant(s)
Tenancy in common	No	Share passes to that owner's heirs / devisees
Title in trust	Per trust terms	Successor beneficiaries per the trust

This is general information, not legal or tax advice. There are significant legal and tax consequences to how you hold title — please consult an attorney and/or CPA before deciding how to vest your title.