



## Common Ways to Hold Title in Virginia



When more than one person owns real estate there are multiple options for how to hold title in Virginia: (1) tenants by the entirety, (2) joint tenants with right of survivorship and (3) tenants in common.



If no choice is made, the default ownership form is **tenants in common**. People can own unequal interests, obtained by separate deeds at separate times. When any owner dies their interest passes according to their will or the intestate laws. Any one owner can convey their interest at any time.



When a married couple purchases real estate they may take title as **tenants by the entirety**. With this ownership form they acquire title simultaneously in the same deed with equal interest in the real estate. If one dies the survivor owns all of the property. Judgments against one spouse generally do not attach to the real estate. Neither can convey any interest in the real estate without the signature of the other.



Multiple owners who are not a married couple, who want the real estate to pass equally to all co-owners upon the death of each one, take title as **joint tenants with a right of survivorship**. They acquire title simultaneously in the same deed with equal interest in the real estate. They have no protection from creditors of co-owners. Any one owner can convey their interest at any time.



Purchasers should indicate ownership choice when they establish a relationship with the settlement agent so the deed can be properly prepared.

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