

How to Sever Joint Tenancy of Real Property in California

When real property is acquired automatic transfer on death to a co-owner is a good idea. But relationships change and the link of joint tenancy must be severed.

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/EINPresswire.com/ -- This article by Deed and Record is on [how to sever joint tenancy of California real property](#). When real property is acquired, automatic transfer on death to a co-owner can be a good idea. But life and relationships change and the link of joint tenancy must be severed.

Individuals who own real property in joint tenancy avoid probate on the death of the first owner. By "operation of law" the decedent's property transfers to the survivor. When the real property was acquired, [automatic transfer on death of California real property](#) seemed like a good idea or was just not properly considered. Now the dying owner realizes what will happen and wants his or her interest to go to someone other than the surviving co-owner. The solution is to [severe joint tenancy](#).

Severance is best done by deed recorded with the county. There are two options. The first option is a deed that conveys legal title of the joint tenant's interest to a third person. This method may increase capital gains tax when the real property is later sold by the third person. But it does avoid probate court and its costs.

The second option is a deed from the owner to himself as a tenant-in-common. The major problem with a self-to-self deed, is probate. The deceased owner's severed interest must be transferred through probate court. The person to inherit will be identified in the deceased's will. Or if no will, the deceased owner's next of kin will inherit.



Post death transfer of California real property



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Mark W. Bidwell

For both options timing is a problem. Time is needed to prepare, executed and acknowledge before a notary public the deed. The deed then must be recorded. If the deed is recorded before death, it is a valid transfer. If the deed is recorded after death, recording has to be within seven days of death and signing must be three days before death for a transfer to be valid.

When real property is acquired, automatic transfer on death to a co-owner can be a good idea. But life and

relationships change. One owner can unilaterally sever the joint tenancy with a deed. The deed transfers ownership either to a third party or self-to-self.

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