

HOW PROPERTY CAN BE HELD

Community Property:

Property acquired during marriage

Separate Property:

Property acquired prior to marriage, or
after marriage as the result of gift or inheritance

Quasi-Community Property:

Property acquired in another state that would be community property in California

Joint-Tenancy with Right of Survivorship:

Property owned jointly by two or more persons

Tenants in Common:

Each party owns a separate share

DISPOSITION UPON DEATH

Disposition of Community Property Upon Death:

One half belongs to the Decedent, one half to the survivor.
Each can distribute their half.

Disposition of Separate Property Upon Death:

All may be given away by the spouse who owns it.

Disposition of Joint-Tenancy Property Upon Death:

The last one alive gets it all.

Disposition of Tenants in Common Property Upon Death of Each Party:

Passes according to the trust, Will, or by Intestate Succession

INTESTATE SUCCESSION

(If the Decedent Does Not Leave a Will)

As to the community property - all to the surviving spouse

As to the quasi-community property - all to the surviving spouse

As to the separate property -

- (A) 1/2 to surviving spouse, 1/2 to child of decedent; or parents of decedent; brothers and sisters of decedent; or nieces or nephews of decedent
- (B) 1/3 to surviving spouse, 2/3 to children (if more than 1 child)
- (C) All to the surviving spouse if no surviving children, parents, brothers, sisters, or

children of brothers and sisters

As to joint-tenancy property -

All goes to the surviving joint-tenant(s)