

WAYS TO HOLD TITLE TO REAL PROPERTY IN OREGON

The following information is provided for informational purposes only and is not intended to replace legal advice from your attorney or tax consultant.

AS AN INDIVIDUAL MAN/WOMAN – An individual may hold title in his or her name alone whether they are married or unmarried. If the individual is married, their spouse has no rights in the property (e.g. Jane Doe, an individual) during the lifetime of the owner.

TENANTS BY THE ENTIRETY/MARRIED COUPLE – Oregon Revised Statutes (ORS) 93.180 provides that a conveyance to a married couple is presumed to create a tenancy by the entirety which is a survivorship estate as between the two parties. The title passes automatically from a deceased party to the survivor, unless they express a specific intent to hold it in a different manner (e.g. John Doe and Jane Doe, husband and wife or John Doe and Jane Doe, tenants by the entirety).

TENANTS IN COMMON – ORS 93.180 provides that a conveyance to two or more persons who are not married are presumed to be tenants in common, that is each has an equal, or as otherwise stated, undivided interest in the property (e.g. John Doe, Fred Jones, and Mary May tenants in common).

SURVIVORSHIP ESTATE – ORS 93.180 provides that two or more individuals may take title in a survivorship estate, i.e. title automatically passes to the surviving person(s) if they state the intent to do so (e.g. John Doe, Fred Jones, and Mary May with rights of survivorship).

REGISTERED DOMESTIC PARTNERS – Oregon House Bill 2007 provides that persons of the same sex who comply with the registration provisions are afforded the same privileges, immunities, rights, and benefits afforded to married persons. Individuals may take title as tenants in common (see above) or they can take title in a survivorship estate similar to tenancy by the entirety (e.g. John Doe and Fred Jones as Oregon registered domestic partners with the right of survivorship).

ENTITY – A recognized legal entity may hold title to real property. Examples are Partnership (general or limited), Limited Liability Company (LLC), or Corporation. The grantees name should be exactly as registered with the State of Oregon or other state where the entity was created.

REPRESENTATIVE CAPACITY – Title to real property may also be held by an individual or entity in their capacity acting on behalf of others (e.g. John Doe, Personal Representative of the Estate of Frank Jones, deceased; John Doe, Trustee of the Mary May Trust; etc.).

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