

***University of Mohamed khider- Biskra
Faculty of Law & Political Science
Department of Law
Level : Second year Mater-Sem1-
Option : Real estate law
English legal terminology
2025-2024***

Topic 3

The title: Forms of Real estate ownership of tenacy

Forms of real estate ownership

- **Tenancy in Common:** when the concurrent owners own a fractional interest in the property, which may vary according to owner or usually, it is divided equally.
- **Joint Tenancy:** same as tenancy in common, but the joint tenants have an undivided interest with rights of survivorship.
- **Tenancy by the Entirety:** is held by a husband and wife whereby each owns the undivided whole of the property, coupled with the rights of survivorship, so that upon the death of one, the survivor is entitled to the decedent's share.
- **Community Property:** this a special form of joint tenancy exists between husband and wife, with each owning a one-half interest. Upon death, the decedent's interest passes in a manner similar to tenants in common.
- **Sole Ownership:** Property is owned entirely by one person.



Different Forms Of Co-Ownership Recognized In Property Law

01

Tenancy in
Common

Joint Tenancy

02

03

Tenancy by
the Entirety

Community
Property

04

05

Limited Liability
Company Ownership

Partnership
Ownership

06

1-Forms of real estate tenacy:

1•Tenancy in Common: *when the owners own a fractional interest in the property, which may vary according to owner or, usually, it is divided equally*

2 • Joint Tenancy: *same as tenancy in common, but the joint tenants have an undivided interest with rights of survivorship*

3• Tenancy by the Entirety: *is held by a husband and wife whereby each owns the undivided whole of the property, coupled with the rights of*

survivorship, so that upon the death of one, the survivor is entitled to the decedent's share.

4• Community Property: *this a special form of joint tenancy exists between husband and wife.*

2-أنواع الملكية العقارية الإيجارية:

• **الإيجار المشترك:** عندما يمتلك المالكون مصلحة جزئية في العقار،

والتي قد تختلف وفقًا للمالك أو عادةً ما يتم تقسيمها بالتساوي.

• **الإيجار المنضم:** مثل الإيجار المشترك، لكن المستأجرين

المشاركين لديهم مصلحة غير مقسمة مع حقوق البقاء على قيد الحياة.

• **الإيجار بأكمله:** يحتفظ بهما زوج وزوجة حيث يمتلك كل منهما

كامل الممتلكات غير المقسمة، إلى جانب حقوق البقاء على قيد

الحياة، بحيث يحق للباقيين على قيد الحياة الحصول على حصة

المتوفى عند وفاة واحد.

• **ملكية اجتماعية:** هذا شكل خاص من الإيجار المشترك بين

الزوج والزوجة.

| | Common Ownership | Joint Ownership | Separate Ownership |
|---|--|---|---|
| Tenure | Parties own a separate share of the whole | Parties own the property together as a whole (each owns the whole) | Parties own property separately |
| Compulsory or voluntary (civil law/ family law) | Usually voluntary | Can be compulsory (unless contract to the contrary) for married couples, those in consensual unions, or household members of a farm. Can also be voluntary. | Can be the presumption for married couples and those in consensual unions |
| Compulsory or voluntary (land law) | Can be compulsory when land is privatized or individualized (land is distributed to all household members on a per capita basis) | Can be compulsory when land is privatized or individualized for married couples or families living in one household | Can be the presumption as part of a distribution of land |
| Inheritance | Owner can bequeath a separate share of the property by will, or share will be distributed intestate | Either the deceased's share automatically vests in the remaining owners, or the property must be divided and becomes common ownership | Separate inheritance |
| Transfer | Owner can transfer a separate share without permission of other co-owners | Permission of other joint owner(s) is required for any transfer of the property | Can transfer without permission |

Forms of real estate ownership, available on the link :
<https://www.researchgate.net/profile/ReneeGiovarelli/publication/303692725/figure/tbl1/AS:667645745577996@1536190558984/Forms-of-Property-Ownership.png>