

- Tenancy in Common
  - One Unity -- *Possession*
- Joint Tenancy
  - right of survivorship
- Tenancy in Entirety
  - Adds *Marriage*

- O conveys the land to A for life and then to T's grandchildren
  - Assume T has 1 child and 2 grandchildren
  - A LE
  - T's grandchildren VR/STO/FS as T/C
  
- O conveys the land to A and B as joint tenants with right of survivorship
  - A & B FSA as J/T
  - What if B dies leaving her property to C?

# *Martin v. Martin*

- Gary & Peggy co-tenants with Charles & Mary
  - What type of co-tenancy?
  - Co-tenancy in what?
- Unity of Possession
- Accounting
  - Contribution?
  - Improvements?
  - Waste?



# *Martin v. Martin*

- C & M want rent from G&P
- Possible Theories?
  - Agreement
  - Ouster
- Ouster
  - Assert exclusive claim
  - Notice of such exclusion



# *Martin v. Martin*

- How do you assert exclusive claim?
- Majority rule – denial of physical entry
- Minority rule – request for rent
- Difference from AP?



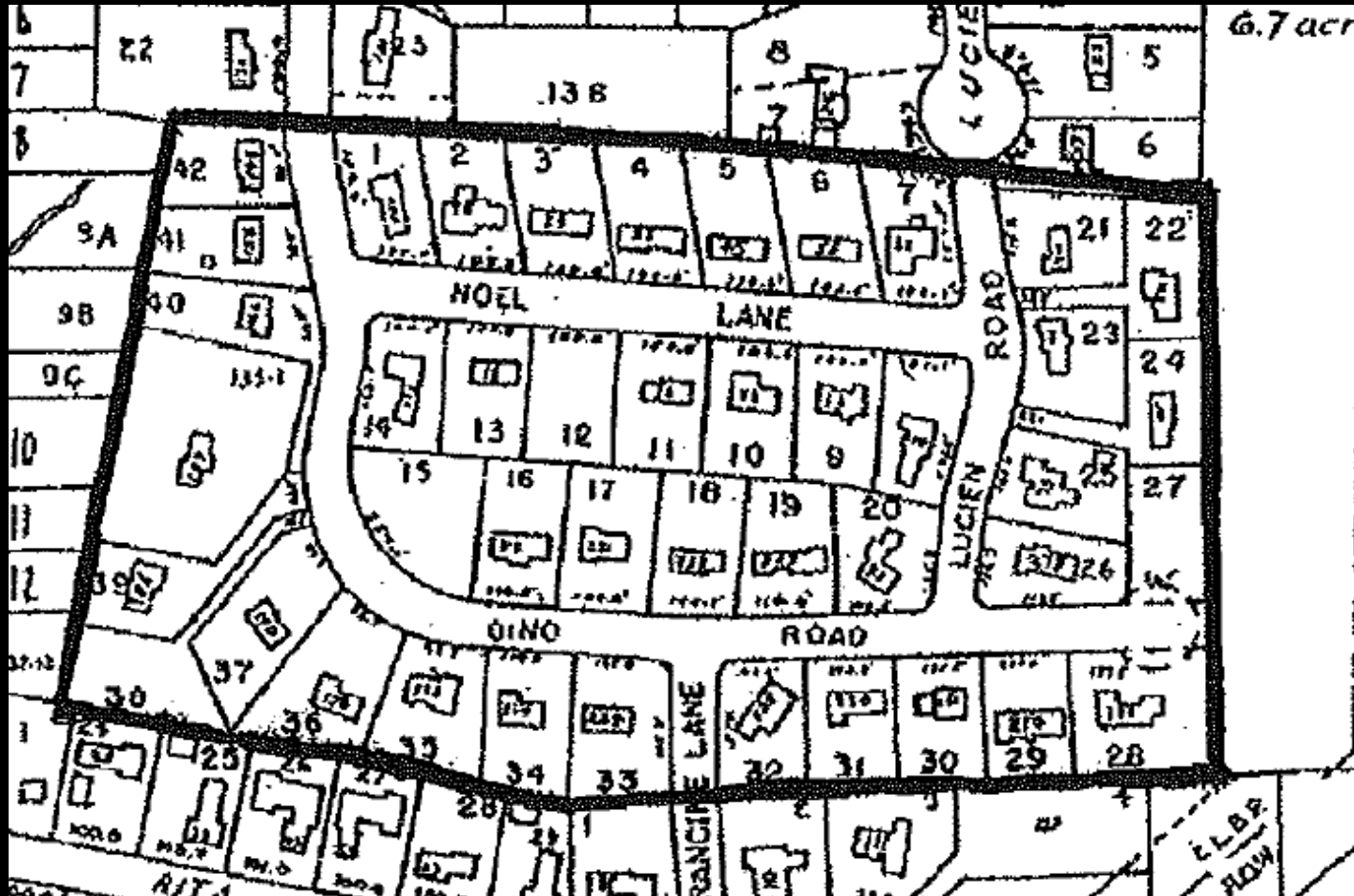


# *Delfino v. Vealencis*



Helen Vealencis (right), her mother, and her brother, John

# *Delfino v. Vealencis*



- (1) the physical attributes of land are such that partition in kind is impracticable or inequitable and
- (2) the interests of the owners would better be promoted by a partition by sale

- Joint Tenancy
  - right of survivorship
  - Four Unities
    - *Time*
    - *Title*
    - *Interest*
    - *Possession*
- How to create?
  - What is already owned by one party?
- How to sever?
  - Unilaterally?



# *Harms v. Sprague*

- William and John own as J/Ts
- Sprague buys Simmons house
  - Price 25K
  - Sprague 18K downpayment
  - 7K via promissory note
    - John co-signs with mortgage  $\frac{1}{2}$  J/T
- John dies

# *Harms v. Sprague*

- Mortgage impact on J/T
  - Title Theory?
  - Lien Theory?
- If Title
  - Who has interests after mortgage?
  - After John's death?
  - Mortgage?
- If Lien
  - Who has interests after mortgage?
  - After John's death?
  - Mortgage?