



# Tenancies Available in Hawaii

|  | TENANCY IN SEVERALTY                                      | TENANCY IN COMMON   | JOINT TENANCY   | TENANCY BY THE ENTIRETY   |
|--|---|---|---|---|
| <b>PARTIES</b>                                   | One Person  | Two or More Persons   | Two or More Individuals   | Individuals married to each other, Reciprocal Beneficiaries registered under HRS Chapter 572C <sup>2</sup> , and effective Jan 1, 2012, Civil Unions. |
| <b>DIVISION OF OWNERSHIP</b>                     | N/A   | Ownership can be divided into any number of interests, equal or unequal. Hawaii Law presumes that interests are equal if not specified. | Equal and Indivisible   | Equal and Indivisible   |
| <b>CREATION</b>                                  | Single conveyance to Tenant                               | One or more conveyances to Tenants, at the same or different times  | Single conveyance to Tenants creating equal and identical interests at the same time. Vesting must specify joint tenancy or law presumes a tenancy in common. | Single conveyance to Tenants that must indicate consent, which can be indicated on deed.  |
| <b>POSSESSION &amp; CONTROL</b>                  | Sole  | Each tenant has undivided possession of the entire property according to his share and subject to rights of Co-Tenant(s).               | Joint   | Joint and Indivisible   |
| <b>CO-TENANTS CONSENTS REQUIRED FOR TRANSFER</b> | N/A   | Each Co-Tenant may transfer or mortgage his respective interest separately without consent of other Tenants.                            | Lender or underwriter may require. The conveyance by one Tenant severs the joint tenancy and creates tenancy in common.                                       | Yes   |
| <b>LIENS AGAINST ONE OWNER</b>                   | Liens against sole owner generally attach to the property | Co-Tenant's interest generally not subject to liens of other Tenants but a forced sale can occur  | Co-Tenant's interest generally not subject to liens of other Tenants but forced sale can occur if lien attaches prior to the debtor's death                   | Subject to forced sale to satisfy joint debt, but cannot attach property to satisfy one spouse's debt   |

This information is presented for informational purposes only and is deemed reliable but is not guaranteed. It is not our intention to provide any legal financial or business advice. For specific information, please consult a qualified advisor.

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