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**CIVIL CODE - CIV**

**DIVISION 2. PROPERTY [654 - 1422]** ( *Heading of Division 2 amended by Stats. 1988, Ch. 160, Sec. 13.* )

**PART 1. PROPERTY IN GENERAL [654 - 749]** ( *Part 1 enacted 1872.* )

**TITLE 2. OWNERSHIP [669 - 742]** ( *Title 2 enacted 1872.* )

**CHAPTER 2. Modifications of Ownership [678 - 726]** ( *Chapter 2 enacted 1872.* )

**ARTICLE 1. Interests in Property [678 - 703]** ( *Article 1 enacted 1872.* )

**678.** The ownership of property is either:

1. Absolute; or,
2. Qualified.

(Enacted 1872.)

**679.** The ownership of property is absolute when a single person has the absolute dominion over it, and may use it or dispose of it according to his pleasure, subject only to general laws.

(Enacted 1872.)

**680.** The ownership of property is qualified:

1. When it is shared with one or more persons;
2. When the time of enjoyment is deferred or limited;
3. When the use is restricted.

(Enacted 1872.)

**681.** The ownership of property by a single person is designated as a sole or several ownership.

(Enacted 1872.)

**682.** The ownership of property by several persons is either:

- (a) Of joint interest.
- (b) Of partnership interests.
- (c) Of interests in common.
- (d) Of community interest of spouses.

(Amended by Stats. 2016, Ch. 50, Sec. 7. (SB 1005) Effective January 1, 2017.)

**682.1.** (a) (1) Community property of spouses, when expressly declared in the transfer document to be community property with right of survivorship, and which may be accepted in writing on the face of the document by a statement signed or initialed by the grantees, shall, upon the death of one of the spouses, pass to the survivor, without administration, pursuant to the terms of the instrument, subject to the same procedures, as property held in joint tenancy. Prior to the death of either spouse, the right of survivorship may be terminated pursuant to the same procedures by which a joint tenancy may be severed.

(2) Part 1 (commencing with Section 5000) of Division 5 of the Probate Code and Chapter 2 (commencing with Section 13540), Chapter 3 (commencing with Section 13550), and Chapter 3.5 (commencing with Section 13560) of Part 2 of Division 8 of the Probate Code apply to this property.

(3) For the purposes of Chapter 3 (commencing with Section 13550) of Part 2 of Division 8 of the Probate Code, this property shall be treated as if it had passed without administration under Part 2 (commencing with Section 13500) of Division 8 of the Probate Code.

(b) This section does not apply to a joint account in a financial institution to which Part 2 (commencing with Section 5100) of Division 5 of the Probate Code applies.

(c) This section shall become operative on July 1, 2001, and shall apply to instruments created on or after that date.

*(Amended by Stats. 2022, Ch. 29, Sec. 1. (AB 1716) Effective January 1, 2023.)*

**683.** (a) A joint interest is one owned by two or more persons in equal shares, by a title created by a single will or transfer, when expressly declared in the will or transfer to be a joint tenancy, or by transfer from a sole owner to himself or herself and others, or from tenants in common or joint tenants to themselves or some of them, or to themselves or any of them and others, or from spouses, when holding title as community property or otherwise to themselves or to themselves and others or to one of them and to another or others, when expressly declared in the transfer to be a joint tenancy, or when granted or devised to executors or trustees as joint tenants. A joint tenancy in personal property may be created by a written transfer, instrument, or agreement.

(b) Provisions of this section do not apply to a joint account in a financial institution if Part 2 (commencing with Section 5100) of Division 5 of the Probate Code applies to such account.

*(Amended by Stats. 2016, Ch. 50, Sec. 9. (SB 1005) Effective January 1, 2017.)*

**683.1.** No contract or other arrangement made after the effective date of this section between any person, firm, or corporation engaged in the business of renting safe-deposit boxes and the renter or renters of a safe-deposit box, shall create a joint tenancy in or otherwise establish ownership in any of the contents of such safe-deposit box. Any such contract or other arrangement purporting so to do shall be to such extent void and of no effect.

*(Added by Stats. 1949, Ch. 1597.)*

**683.2.** (a) Subject to the limitations and requirements of this section, in addition to any other means by which a joint tenancy may be severed, a joint tenant may sever a joint tenancy in real property as to the joint tenant's interest without the joinder or consent of the other joint tenants by any of the following means:

(1) Execution and delivery of a deed that conveys legal title to the joint tenant's interest to a third person, whether or not pursuant to an agreement that requires the third person to reconvey legal title to the joint tenant.

(2) Execution of a written instrument that evidences the intent to sever the joint tenancy, including a deed that names the joint tenant as transferee, or of a written declaration that, as to the interest of the joint tenant, the joint tenancy is severed.

(b) Nothing in this section authorizes severance of a joint tenancy contrary to a written agreement of the joint tenants, but a severance contrary to a written agreement does not defeat the rights of a purchaser or encumbrancer for value in good faith and without knowledge of the written agreement.

(c) Severance of a joint tenancy of record by deed, written declaration, or other written instrument pursuant to subdivision (a) is not effective to terminate the right of survivorship of the other joint tenants as to the severing joint tenant's interest unless one of the following requirements is satisfied:

(1) Before the death of the severing joint tenant, the deed, written declaration, or other written instrument effecting the severance is recorded in the county where the real property is located.

(2) The deed, written declaration, or other written instrument effecting the severance is executed and acknowledged before a notary public by the severing joint tenant not earlier than three days before the death of that joint tenant and is recorded in the county where the real property is located not later than seven days after the death of the severing joint tenant.

(d) Nothing in subdivision (c) limits the manner or effect of:

(1) A written instrument executed by all the joint tenants that severs the joint tenancy.

(2) A severance made by or pursuant to a written agreement of all the joint tenants.

(3) A deed from a joint tenant to another joint tenant.

(e) Subdivisions (a) and (b) apply to all joint tenancies in real property, whether the joint tenancy was created before, on, or after January 1, 1985, except that in the case of the death of a joint tenant before January 1, 1985, the validity of a severance under

subdivisions (a) and (b) is determined by the law in effect at the time of death. Subdivisions (c) and (d) do not apply to or affect a severance made before January 1, 1986, of a joint tenancy.

*(Amended by Stats. 1985, Ch. 157, Sec. 1.)*

**684.** A partnership interest is one owned by several persons, in partnership, for partnership purposes.

*(Enacted 1872.)*

**685.** An interest in common is one owned by several persons, not in joint ownership or partnership.

*(Enacted 1872.)*

**686.** Every interest created in favor of several persons in their own right is an interest in common, unless acquired by them in partnership, for partnership purposes, or unless declared in its creation to be a joint interest, as provided in Section 683, or unless acquired as community property.

*(Enacted 1872.)*

**687.** Community property is property that is community property under Part 2 (commencing with Section 760) of Division 4 of the Family Code.

*(Amended by Stats. 1992, Ch. 163, Sec. 6. Effective January 1, 1993. Operative January 1, 1994, by Sec. 161 of Ch. 163.)*

**688.** In respect to the time of enjoyment, an interest in property is either:

1. Present or future; and,
2. Perpetual or limited.

*(Enacted 1872.)*

**689.** A present interest entitles the owner to the immediate possession of the property.

*(Enacted 1872.)*

**690.** A future interest entitles the owner to the possession of the property only at a future period.

*(Enacted 1872.)*

**691.** A perpetual interest has a duration equal to that of the property.

*(Enacted 1872.)*

**692.** A limited interest has a duration less than that of the property.

*(Enacted 1872.)*

**696.** Two or more future interests may be created to take effect in the alternative, so that if the first in order fails to vest, the next in succession shall be substituted for it, and take effect accordingly.

*(Enacted 1872.)*

**697.** A future interest is not void merely because of the improbability of the contingency on which it is limited to take effect.

*(Enacted 1872.)*

**698.** When a future interest is limited to successors, heirs, issue, or children, posthumous children are entitled to take in the same manner as if living at the death of their parent.

*(Enacted 1872.)*

**699.** Future interests pass by succession, will, and transfer, in the same manner as present interests.

*(Enacted 1872.)*

**700.** A mere possibility, such as the expectancy of an heir apparent, is not to be deemed an interest of any kind.

*(Enacted 1872.)*

**701.** In respect to real or immovable property, the interests mentioned in this Chapter are denominated estates, and are specially named and classified in Part II of this Division.

*(Enacted 1872.)*

**702.** The names and classification of interests in real property have only such application to interests in personal property as is in this Division of the Code expressly provided.

*(Enacted 1872.)*

**703.** No future interest in property is recognized by the law, except such as is defined in this Division of the Code.

*(Enacted 1872.)*