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## What is Tenancy by the Entirety?



Tenancy by the Entirety (TBE) is the same as Joint Tenancy (JT), but with some additional features. First, TBE is only available to married couples and parties to a civil union and only for ownership of the couple's primary home. As with JT, upon the death of one spouse or party to a civil union, the surviving spouse or surviving party to a civil union would own the entire house. The extra benefit TBE provides is a limited amount of creditor protection: if the transfer into TBE was not done to defraud existing creditors, a creditor of only one spouse or party to a civil union cannot force the sale of the house to repay the debt of one spouse or party. However, if a creditor has a claim against both the husband and the wife or against both parties to the civil union, the creditor can force the sale of the house. Once a TBE is established, an independent sale or lifetime gift by one of the TBE owners will transform the nature of the interest owned to a Tenancy in Common. After the death of one spouse or party to a civil union, TBE is terminated and the property is owned individually by the surviving spouse or the surviving party.

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