

livingtogether

How do you own your home?

When you bought a home with your partner, you probably didn't think for too long about the legal details. But if you're not married the choice you made could have a terrible effect if one of you died or if you ever split up.

Make sure **you own your home the right way!**

It's not too late to change it if you made a mistake.

If your home is owned in **just one name** ...

... and you are not married, only the person whose name is on the deeds has any rights to the home or to the money if it were sold. The other partner would have no right to stay if they were asked to leave and would not be entitled to a share of the home if you split up.

Is this right for you?

Yes – if the non-owner understands that they do not own a share, and is clear that any money they pay toward the mortgage is to be treated as 'rent'.

The best advice is to agree what would happen if you break up, write it down in a Living Together Agreement, and keep it safe. Remember you also need to make a will. If the owner died, the house would go to their nearest blood relative, not their partner.

No – if you haven't thought it through, and both of you are paying the mortgage or making other contributions (for example, if the non-owner earns less because they look after the children).

You could consider putting the home into joint names. It is a good idea for you both to get separate legal advice about this. If you do this, decide carefully how you want to own your home and in what shares. Bear in mind, if there are two owners you can only sell a home if both agree.



(continued overleaf)

You can own a home with another person in two ways, as Joint tenants or as Tenants in common. The jargon is a bit confusing, but don't be put off by it. If you're not married, which one you choose can have very important consequences.

Owning a home as **Joint tenants** means:

- You own it jointly and equally. If you split up you would normally get half, no matter what amount you put in.
- If one of you dies, the other inherits their half. It cannot be left to anybody else in a will.

Is this right for you?

Yes – if you are paying the same amount toward the deposit or mortgage, or want to treat it as if you are. **And** you want the home to go to your partner when you die.

No – if you are paying more of the deposit or mortgage than your partner, and would want more than half if you split up. **Or**, if you want to leave your half to somebody else when you died.

If it would be fairer to own your home as tenants in common you can easily change it. If you both agree, you can also change the shares you each own. You should speak to a solicitor before you do this.



Owning a home as **Tenants in common** means:

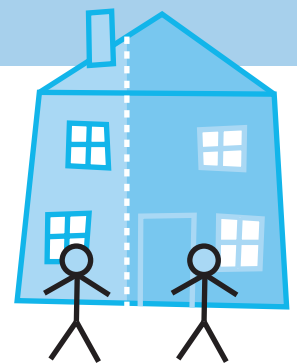
- You can own it in any shares that you like (70/30, 60/40, 50/50 etc.)
- If one of you dies, their share goes to whoever is named in their will. If there is no will, it will go to their closest blood relative (not your partner unless you are married or in a civil partnership).

Is this right for you?

Yes – if you are paying different amounts toward the deposit or the mortgage, and want a fair return on your money if you split up. **Or**, if you want to leave your share of the home to your children or somebody else. If you would want your partner to inherit your half, you must make a will.

No – if you want your partner to receive half the home if you split up **or** you want your partner to inherit your share **and** you don't want to make a will.

If you have unequal shares in your home and it doesn't seem right to you anymore, you can change them provided you both agree. If you both make a will leaving your share to your partner, you will have the same protection as owning as joint tenants would give you.



Joint tenants means you have equal shares to all the home.

Tenants in common keeps your shares separate. It is the only way you can have unequal shares.

For more details of your housing rights and what you can do to protect yourself and your partner go to

www.advicenow.org.uk/livingtogetherhousing