

Joint Ownership Form

When two or more people are buying a property together it is very important that they understand the different types of joint ownership available.

Although we naturally hope that people will never "split up" nevertheless unfortunately this does sometimes happen, with resulting disputes as to who is entitled to what from the proceeds of sale of the property.

It is very important to remember that when the property is sold, all mortgages and charges have to be repaid in full, as will the Estate Agents and legal fees on the sale. Only the balance will be available for division between you.

Accordingly, unless you contribute equally to the purchase monies - i.e. the difference between the purchase price and the mortgage (if any) and the costs of purchasing the property - and you also contribute equally to the mortgage repayments, the person paying or contributing the larger share of the monies may wish to ensure that when the property is sold, that person is entitled to receive a larger share of the monies remaining (after payment of the mortgage etc. as mentioned above) than the other joint owner(s). If so, you must tell us this before you purchase the property as it is usually only possible to arrange for this to happen later if all the joint owners agree (which is rarely the case when there is a dispute).

If you are purchasing the property as a joint purchase, please be advised that if you decide to hold the property as Beneficial Joint Tenants, either co-owner is able to sever the Joint Tenancy at any time simply by serving a Notice of Severance.

If a Notice of Severance is served, even if there is no declaration of trust, it will be presumed that the shares are 50/50. Please therefore be advised that if one party is contributing more than 50% or wishes to have a larger share it is strongly advised that you have a Declaration of Trust in place and hold as Tenants in Common.

It is also important to note that if one owner is declared bankrupt this automatically severs the joint tenancy. If any Trustee in Bankruptcy can prove that one co-owner contributed all of the purchase funds or more than 50% then this could affect the amount of entitlement for the remaining co-owner and potentially the remaining co-owner may be entitled to nothing from the sale proceeds. If you do decide to hold the property as Tenants in Common, therefore having your own shares, you may wish to put in place Joint Wills to set out your wishes on the event of your death.

Before you are committed to buying this property, we would ask you therefore to let us know your wishes i.e.:

1. Do you want the property to be jointly owned so that you each have an equal interest in the property and so that if one of you died the survivor would automatically own the whole property?

OR

2. Do you want the property to be jointly owned so that you each own a precise and specified share of the property and are each able to leave your own share by Will to whoever you choose.

If so, then do you wish:

- a. To own the property in equal shares; or
- b. To own the property in unequal shares to protect any owner who is putting more money into the purchase than the other(s)?

Please remember, that if you are unmarried and buying a property together, once you have told us your joint wishes and they are put on the deeds this cannot be changed without your mutual agreement.

The law relating to joint ownership is quite complicated, but we think that if you carefully consider the above questions and let us have your instructions, you will know your future rights in the property.

If you have any queries at all it is important you discuss them with us before you make a final decision.

Please select one of the following options:

OPTION 1

We wish the property to be purchased as Joint Tenants

OPTION 2A

We wish the property to be purchased as Tenants in Common in *equal* shares

OPTION 2B

We wish the property to be purchased as Tenants in Common in *unequal* shares in the following shares:

%

%

Please set out your shares so that they total 100%.

If you decide to go ahead with Option 2B, our Wills and Probate team will get in touch with an estimate for preparing the Declaration of Trust. They'll also open a separate file for this, as it is handled separately from your property purchase.

By typing our names below and submitting this form, we each confirm that this constitutes our respective electronic signatures, and that we have personally completed and agreed to the contents of this form.

Name (type full name):

Date:

Name (type full name):

Date: