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## Titles to Land and Buildings

### OWNING A PROPERTY TOGETHER

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If two people wish to own a property jointly between them they require to make a decision between alternative methods of holding the property.

These are as follows:

### **1. Title in one half pro indiviso shares**

The implications are as follows:

- (a) Each of you own a one half share in the property which you can sell separately. The property cannot be divided physically however except by agreement and so a buyer would be buying a one half interest in the whole property.
- (b) Each party could leave by Will their half share to anyone that they wish.
- (c) Either party can force a sale of the whole property by an action in Court.
- (d) The result of (a) and (b) above could be that the other party finds themselves living in a house or sharing ownership with a stranger although it is more usually the case that an agreement to sell, or for one party to buy the other out occurs.

### **2. Titles in unequal pro indiviso shares**

As per 1 above but if one person has contributed more than the other(s) then their “share” can be properly recorded (such as one fifth : four fifths).

On divorce, or other court action, if the share is not recorded in this way the court can assume that the party putting in the extra was making a gift to the other. If the true share is recorded the court may divide the property on that basis.

### **3. Joint between the owners and survivor of them**

The implications are as follows:

- (a) When one of you dies the survivor automatically becomes the owner of the whole property.
- (b) Neither party can leave their share in the property by Will.
- (c) Either party can force a sale even if the other does not agree by way of an action in the Courts.
- (d) This would not reflect a situation where one person has put more money to the house than the other.

### **4. Title in unequal shares between the owners and survivor of them**

As per 3 above, except that this records the position where one person has put in more money than the other.

### **5. Liferent**

This is a more complex way of arranging the title, giving each person the right to use the property for life, then ensuring it goes to another person or people named in the titles. However it is only suitable in certain cases: see our leaflet on Liferents for more details.

### **Decision**

As you will see there are profound implications of choosing each possibility.

When you are using us to buy a property, you will receive a draft deed from us. You should check that this has been prepared in accordance with your current wishes, and if not tell us **immediately**.