

JOINT OWNERSHIP QUESTIONNAIRE

If you are purchasing the property in joint names you will need to make an important decision about how you will own your new property. There are two ways you can hold the property. **Joint Tenants** or **Tenants in Common**. (The word "tenants" is just an old legal word for owners and these expressions have nothing to do with leases or tenancies.)

Joint Tenants

If you own the property as Joint Tenants you will own the property in EQUAL shares while you are alive. Should one of you die, the property will automatically belong to the survivor outright. (If there is more than one survivor they will own the property in equal shares). This will override any gift of the property made in a will and you will not be able to gift your share in the property to someone else.

If the property is sold, then it is presumed that you own the property equally and each of you would be entitled to an equal share in the proceeds of sale.

Tenants In Common

You will each have separate shares of the Property which you can leave to someone else in your Will. There is no automatic passing of the deceased's interest in the property to the survivor or survivors. The joint owner is able to leave his share in the property to any one on his death.

If you are unmarried or if one of you is contributing more towards the purchase price than the other, you may wish to ensure that when the property is sold, each party will receive a share of the proceeds of sale which reflects the different contributions each has made. It is usual for business partners to hold property as Tenants in Common as on the death of one owner that deceased owner's share can be left to members of his family

To decide you have to consider various matters such as

- What is the purpose of the acquisition?
- If it is to be a home (as opposed to an investment property) then what is to happen if the relationship breaks down?
- How is the purchase price being funded? Equal or unequal shares.
- If a gift or loan is being made by one person's parent (or other relation) then what is to happen on the sale of the property to that gift or loan. Is to be paid out of the proceeds first ?
- Are there children from a previous relationship who you wish to benefit on your death. If the property is held as Joint Tenants then these children will be disinherited if their parent dies first.
- Are you both contributing equally towards the mortgage, major repairs etc.
- Are you taking Inheritance Tax advice and this might necessitate the property being held as Tenants in Common

The choice you make is not final and a Joint Tenancy can be severed at any time. We are more than happy to help you decide what is the next course of action and if so please make an appointment to see the conveyancer handling your purchase. Should you choose to hold as Tenants in Common then it may be appropriate to have your Wills drafted and also to have a Trust Deed drawn up showing the differing shares.

PLEASE COMPLETE THE FOLLOWING

We wish to own the Property as Joint Tenants / Tenants in Common *(delete one)*

We will own the property in equal shares/ unequal shares *(delete one)*

If unequal shares indicate percentage shares

_____ % to _____ and _____ % to _____

Or the first £ _____ to _____ and the balance as follows

_____ % to _____ and _____ % to _____

Signed _____ Date _____

Signed _____ Date _____