



## Legal Corner

### Some timely advice in case you split

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'Breaking up doesn't have to be hard to do - if you put romance to one side briefly when you move in together' says Sheila Glyn-Owen, solicitor at Phillips. 'You may be one of the 3-4 million couples who are choosing to live together without getting married. Many cohabit successfully all their lives without ever feeling the need to marry, but many couples break up - and only then discover how few rights they have.

"Common law" wife or husband is a myth. The reality is that if you split up, you have no automatic right to the property if it is in your partner's name; if you rent your home, you have no automatic right to stay; and if your partner dies without making a will, you won't automatically inherit anything from him or her. If you have children together the situation is even more complex.

So what practical steps can you take? If you're renting, put both names on the tenancy.

If you are buying a new place together, or moving into a home your partner already owns, then think carefully about getting a "Declaration of Trust" drawn up.

This is a legally binding document that spells out the proportion of the property each unmarried partner will receive if you break up. If you are contributing more financially than your partner towards the property it will protect your investment in the event that the property is eventually sold.

The Trust can be as simple or as complex as you require and if your circumstances change it can be re-written. It should include:

- The percentage of the property each of you will own



- The percentage of the deposit each will pay and how much each will contribute to mortgage payments
- Who pays for purchase expenses, utilities and other outgoings
- The provisions for buying each other out
- An agreed mechanism for valuing the property
- Provisions for children, such as enabling the child to stay in the property until he or she reaches maturity

No-one knows what the future holds,' concludes Sheila 'so my advice is take some practical steps to protect yourself. Investing in a Declaration of Trust and ensuring you both have Wills could save you a lot of stress, time and expense in the event that you separate or if one of you dies.'

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