



### Purchasing a Property in Joint Names

In law there are basically two ways that you and your partner/spouse can purchase property - either holding the property as **beneficial joint tenants** or as **tenants in common**.

### What is a Beneficial Joint Tenancy?

This means that:

1. Upon the death of one of the owners their share of the property would pass, by survivorship, to the other(s).
2. The property cannot be left to another party in a Will.
3. The parties hold the property jointly and one party has no greater interest than the other. As a result this means that the whole property and the proceeds of its sale belong to both owners as one. There are no separate shares – they each own the whole thing.

Although this type of ownership often suits married couples, it is not mandatory. There may be times when married couples hold tenancy in common as opposed to a beneficial joint tenancy (for example for tax purposes).

### What is a Tenancy in Common?

This means that:

1. Each person holds a share in the property which can be left by Will to a person who may not be a co-owner.
2. If one party has contributed more to the purchase price than the other(s), it is possible to reflect these unequal contributions by a tenancy in common in unequal shares.

**Please note:** Should you decide upon a tenancy in common, a separate Deed will be needed to outline the shares in the property and how the proceeds of sale will be divided if the property is sold. This document is known as a Trust Deed or a Declaration of Trust. In these circumstances you may require additional legal advice. **This document will incur an extra cost.**

**If you are looking for advice on any of the above then please contact our team for more information.**