

What is position on mum's home?

23/7/10

Q My mother died two years ago. I've seen her will, but it doesn't mention anything about her house, which my brother is still living in. What's the position with this?

A If you and your brother have been left the residue of your mother's estate – which will include the house if it's not specifically mentioned elsewhere – you will now own it jointly.

As a joint owner you are entitled to ask for the property to be sold if you so wish. The court would order the sale except in rare circumstances, such as where your brother was elderly and had nowhere else to go, or couldn't move somewhere smaller with the proceeds from his share. You should discuss this with your brother, and if necessary with a solicitor. Your brother could offer to buy out your share or pay you rent for your half.

Debt reappears

Q I bought a house with my partner but moved out the same year after he became violent. We tried to take my name off the mortgage but were unable to do so, and the following year it was repossessed. I made regular payments to clear the debt but couldn't keep them up. Now, 14 years later, I have started to get letters demanding the full amount. Shouldn't my ex have to pay as well?

A You will be "jointly and severally" liable to pay off the loan, so the bank will be entitled to pursue both or either one of you for the money – in practice, whichever of you is most likely to be able to pay.

I take it that the bank was granted a court judgment for the money outstanding; otherwise they wouldn't be able to pursue the debt after all these years.

You don't say how much is owed, or whether you are now in a position to pay it. You should probably take advice from the CAB or a debt advice charity such as the Consumer



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Credit Counselling Service. Ideally you would have forced your partner to sell the house when you left.

Carer's reward?

Q I have looked after my elderly aunt for 30 years, doing her shopping, decorating her house and seeing to her daily needs. However she won't discuss making a will. She has no husband, children or brothers and sisters. Will I be able to put a claim on her assets if anything should happen to her? She has taken out a policy to pay for her funeral; will they pay out to me if there is no will?

A If you are your aunt's only – or closest – relative you will inherit everything she owns under the intestacy rules (for people who don't leave wills).

Assuming that she has a house or a reasonable sum of money to leave, you will have to take out letters of administration at the Probate Registry to deal with your aunt's estate, and the funeral plan company will either pay out to the undertaker or to you as administrator. The undertaker you choose will have experience of dealing with such companies and will probably contact the firm on your behalf.

Is it theirs to sell?

Q My son is interested in buying a house, but the title deeds have been

lost. However the sellers say they've taken out insurance in case anyone turns up claiming to own the property. The last people in the house rented it for 35 years and no-one turned up in that time to claim it. Would my son be safe buying it under these circumstances?

A It's not as unusual as you might think for title deeds to go missing, or for people to have to take out insurance in such circumstances.

It's not quite clear from your question however whether the property is being sold by the long-term tenants.

This would be unusual, but it could happen if, for example, the landlord died and no-one claimed the house or the rent for 12 years.

However, you should ensure that the paperwork is carried out by an experienced conveyancer.

Change in deed?

Q My husband and I bought our house in joint names before we were married, so my maiden name is still on our ownership details at the Land Registry.

My husband has now died, and I wondered whether the different surnames could create a difficulty when I'm gone.

I've been told that as long as my husband's death certificate, my birth certificate and our marriage certificate can be produced there will be no problem. Is this true, or should I now arrange for the house to be registered under my name only?

A Your informant is correct; there's no need to alter the ownership register.

As long as the Land Registry can be satisfied that the house belonged to you (by production of the certificates you mention) you won't be leaving problems for your executors.

However, the Land Registry will alter the ownership details for you free of charge if you contact them.