

## Selling point

**Q** My partner bought a house with his then girlfriend eight years ago and has subsequently paid all the bills and the mortgage. They have a child, but split up four years ago. They weren't married and her name isn't on the title deeds. If the house goes up for sale, what is he legally entitled to claim?

**A** Bad news I'm afraid. If the ex-girlfriend lets your partner sell the house, she will get nothing. But (assuming the child lives with her) she's unlikely to do this, and could apply to the court to remain in the property until the child reaches 17, or leaves school.

She could also apply for some of the equity in the property to be transferred to her for the benefit of the child. Your partner could ask for the property to be sold if he can persuade the court that his ex could live somewhere smaller.

He isn't obliged to pay the bills or the mortgage, but will probably have to contribute via the CSA unless he can reach an



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agreement with his ex. He should see a solicitor.

## Parking rights

**Q** There's a private road in front of our house. We are responsible for its upkeep, and properties further along have access rights. Can non-residents use our road as a car park?

**A** We often have to leave our cars elsewhere and sometimes pay to park round the corner because the road is so

cluttered with other people's vehicles.

**A** Who owns the road? It's quite likely that different parts of it belong to different houses fronting on to it. If this is the case, then you might be able to come to an arrangement with all your neighbours to have locked, or electrically-operated, gates at the ends of the road.

You would have to be very careful that all the house owners who have a right of way along the road agree and make sure that everyone who is entitled to get in can.

Gates across roads can cause no end of trouble if they are used inconsiderately.

If you and the neighbours don't own the road, there is probably not much you can do about the problem.

In theory, you can take legal action to prevent an obstruction of your right of way to get to your house, but the practicality of doing this is poor.

Get a solicitor to look at this thoroughly before taking any action because getting it wrong could cause great trouble.

## Will we lose out?

**Q** Five of us stand to benefit equally from our parents' will. Twelve months ago the title deeds of their home were transferred into the names of three of the children with the aim of avoiding care home fees.

At the time it was stated that the property would be shared equally between the five of us when they die. But won't the house just be shared between the three people whose names are on the title deeds?

**A** It sounds as if a trust has been set up, with three of the children nominated as trustees.

Where land or property is held in trust, four trustees is the maximum allowed, so it wasn't possible to nominate all the children.

However, assuming this is what has happened, they will be bound by the terms of the trust deeds, and the property will be split five ways when your parents die.

You should check with your parents to find out exactly

what they have done: it's important to establish how the trust has been documented, so it cannot be claimed that the transfer was simply a gift to the three and not a trust at all.

If the sole purpose of establishing the trust was to avoid payment of care home fees, it probably won't work.

## Costly claim

**Q** When my wife and I split up, we rented out our house, but the rent didn't cover the mortgage.

Over several years I made up the shortfall, amounting to £15,000, until the house was sold. Am I entitled to claim half of the £15,000 from her?

**A** Yes, but this should ideally have been sorted out either during divorce proceedings or when the house was sold.

It could be expensive to take your ex-wife to court solely to recoup this money now.

If you aren't divorced yet, you still have the opportunity to raise the issue, but it sounds as though you have already

divided up your biggest joint asset. Discuss it with your solicitor.

## Give me credit

**Q** How do you get your name off the bad debtors' list?

**A** There's actually no such thing. Many people don't realise that your credit file is simply a history of your credit transactions, including any applications you have made.

The credit reference agencies only supply retailers and finance companies with this financial information, and it is then up to them whether or not they are prepared to offer you credit.

If a County Court judgement was made against you, it will show up on the reference agencies' records for six years (after which you can write to have it removed if it doesn't happen automatically).

But the best way to ensure you're extended credit is never to default on payments due.

Even late payments can show up on your records.