

Will son's divorce put home at risk?

Q My son wants to buy my house but let my wife and I live in it until we die. The trouble is, my son is talking about getting a divorce, so where would we stand if my son's wife wanted her share of our property?

A I can't really see any advantage for either you or your son in doing this, and it seems to be fraught with danger. As you say, if your son owns your house his wife may be entitled to a share of your property in any divorce settlement.

And even if your son bought your property after he was divorced, he could still die or become bankrupt, in which case you could lose the roof over your head. That's apart from the fact that if he already

owns a house, he would be liable to pay capital gains tax on the sale of your home after your death.

It would be simpler just to leave it to him in your will: you must make a will if your wife is not your son's mother. Discuss your plans in more detail with a solicitor.

Sloppy survey?

Q I bought a house six months ago. When I moved in I had to rip out and replace all the internal walls upstairs after discovering they were made of asbestos while stripping the wallpaper. I had a full structural survey carried out before buying the property. Shouldn't these things have shown up on the survey, and can I claim the cost

of all this work from the surveyor?

A Since the asbestos only came to light as a result of removing the wallpaper it's unlikely that the surveyor could have been expected to find it. A survey will rarely be 100 per cent comprehensive since it would involve lifting floorboards and the like, which a seller would not agree to. For a successful claim you would have to prove that your surveyor failed to spot faults in the property that would have alerted any reasonably knowledgeable surveyor.

Bump in the night

Q My father runs a social club and parks his car in the car park. Someone



has hit his car and driven off, and we wondered whether the club would be liable to pay for the damage since he works there and has nowhere else to park his car.

A The fact that your father works at the club is unlikely to make him a special case. Usually clubs merely allow people to leave their car on their property and don't assume responsibility for the vehicles' safekeeping. Many display signs to this effect, but even if they don't

your father will have difficulty arguing that the club had implicitly agreed to take care of his car while he was at work.

Growing fence

Q I have a shared fence with a neighbour. I would like to increase the height from three feet to five feet, at my expense, to provide me with some privacy. However the neighbour has flatly rejected the idea saying they prefer an open aspect. The council say I can put up a two-metre high fence without the need for planning approval. Am I within my rights to proceed with the new fence?

A If it's a shared fence then any decisions about it will have to be taken jointly, so your neighbour is entitled to object to you altering its height.

However there may be nothing to stop you building another fence immediately behind it on your land.

If you suggest this to your neighbour he may think that one fence is better than two.

If you live on an estate it's possible there will be covenants

in your title deeds relating to the height and positioning of fences.

You should check these first; otherwise, as you say, the general rule is that you can put up a two-metre fence as long as it doesn't face on to a road or obstruct the view of road users.

Creaking gate

Q One of my sons is in very poor health, and – assuming he outlives me – I would like to leave my house to him when I die. However on his death I would like the house to be sold and the proceeds distributed among the other children. Is it possible to do all this in my will?

A Yes, you could set up a trust allowing your son to live in the house until his death.

At that point the house could be sold and the money distributed as you wish. See a solicitor to organise this; you will have to stipulate who is responsible for insuring the property and maintaining it, and you will have to decide what would happen if, for instance, your son wanted to move.