



Joint Purchasers Information

When purchasing a property it is essential to discuss and record who is to own it. It is unlikely that amidst the stress and excitement of purchasing a property you are thinking about relationship breakdowns and bankruptcies but failure to do so can lead to much heartbreak later.

Everyone has different circumstances, for example you may be purchasing your first property together as a couple or you and a friend may be purchasing a property as an investment. The law recognises that people have different circumstances and as such it can be quite flexible. It will allow the purchasers of the property to decide how it is to be held and who will own it and in what shares.

Single or joint?

A property can be held in a single name or in joint names.

Where two or more people own a property jointly, they have two options in terms of their ownership:

1. Joint tenants

Under this form of ownership the rule of survivorship applies i.e. on the death of one owner the property automatically passes to the surviving co-owners.

The rule of survivorship operates independently of any Will that the deceased owner may have made.

2. Tenants in common

Here joint owners can document whether the property is to be held in equal shares or unequal shares.

This form of ownership is beneficial if one party is contributing a greater sum than the other towards the purchase price and they wish for this to be documented.

By holding the property as tenants in common it allows for an owner to leave their share and interest in the property to those beneficiaries named in their Will – the rule of survivorship will not apply.

