

## Myth one: Cohabitation rights and property - I am entitled to my share

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The house was only in his name because of the mortgage and I pay my way, surely I am entitled to a share?

If you're part of a cohabiting couple, the fact that the house is in your partner's sole name is significant. The starting point is that he owns it and you don't have a share. However, all is not lost.

You can make an application to the court asserting your interest in the property. You will need to show that you and your partner intended to share the property – either when it was purchased or at a later date.

Any evidence that you have to substantiate this is crucial. The solicitors who acted for you in the purchase may be able to help. Bank statements, your will, and any correspondence between you and your partner could be fruitful too.

Any financial contributions you have made towards the property are relevant – particularly if you made a direct contribution to the purchase price. However, when it comes to other payments (mortgage, bills etc) the court will determine whether your contribution was in the ordinary course of your relationship or if it was because you thought you had an interest in the property.

The court will look at all the relevant circumstances to decide what shares the property should be owned in.

The best way to for you to protect your interest in the property is for it to be registered in joint names. If that is not possible then consider a declaration or trust which states that you and your partner have equal shares in the property.

### Cohabitation agreements

In addition you would be better protected with a [cohabitation agreement](#), which can cover all financial implications of separation.

### The importance of a will

Finally, if you are a cohabiting couple, having a [will](#) is essential to ensure that your estate passes along with your wishes on your death.

These are just some of the many issues that cohabiting couples need to consider – we will be sharing information about some of the most important ones throughout the week, so check back [here](#) regularly.