



WRIGLEY CLAYDON
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IF YOU ARE BUYING A PROPERTY TOGETHER, PLEASE CONSIDER MAKING A LIVING TOGETHER AGREEMENT

Why is an agreement essential?

Buying a property is likely to be the largest, single financial outlay you'll make so you need to be aware of the impact on you if the worst happened and you split up with your partner/fell out with your friend /relative or one party simply wants to move on and do not have an agreement in place.

More people are setting up home together than ever before and it is important to understand the consequences of things not working out as you hoped.

Unfortunately, this provides little protection for the party who may be financially weaker or have dependent children (in the latter, other options may be explored).

Currently, the only solution for unmarried couples living together is to enter into a **"Living Together Agreement"** outlining their intentions and wishes should the relationship break down. This allows you to decide a solution that is most suitable for you.

What happens if the relationship breaks down whilst you live together?

Many people who live together believe that they are protected by the notion of 'common law marriage' which is false.

Unmarried couples living together **ARE NOT** provided the same rights and protection that married couples are. When a marriage breaks down the courts will look at various factors to decide what would be fair for both parties in order to ensure everyone needs are met.

With unmarried couples living together the process is very different. If the property is owned jointly (as joint tenants) the property will automatically be divided 50:50, regardless of any contributions made, unless they make a written legal agreement when it was bought outlining what proportions each party own (tenants in common).

What is included in a Living Together Arrangement?

The arrangement allows you to set out who owns what and in what proportions. This agreement can include the family home, provision for any children, bank accounts, debts, and any other joint purchases such as a car.

Although you may feel at this stage that such an agreement is unnecessary, it is very practical and highly recommended. The Living Together agreement allows you to agree matters in a way you feel is fair without any pressure that may arise if the relationship breaks down.

How do we get a Living Together Arrangement?

If you feel that a Living Together Agreement is something that would be beneficial, please contact one of our friendly and highly experienced solicitors on **0161 624 6811** or email za@wrigleyclaydon.com.

How is the agreement put together?

Before seeing a solicitor, the parties should agree on who owns what and how their assets should be divided in the event the relationship breaks down.

One party then pays their solicitor to prepare the agreement and a copy is sent to the other party, who should ideally get their own solicitor to go through it.

Once both parties are happy with the agreement, the document will be signed and witnessed.

Is the agreement legally binding?

Yes, as long as it is properly affected. This means that both parties have received independent legal advice regarding the agreement. This is to avoid any later allegations of undue duress (one party stating that the other party made them sign the document).

It will then have full force in law.



Should we do anything else to protect ourselves?

Yes, make a Will! If you die without a Will there are very strict rules on who gets what. In English law, partners who are not married are unfortunately not recognised. If are not married the only way that you can be certain your partner will inherit if you die is if you make a Will.

We can help with that too.

Example

Partner A decides to move into Partner B's property. They build a home together and have children.

30 years pass and their relationship unfortunately breaks down. Partner A will have no claim to the property (unless they contributed to the mortgage or improvements) even if they have always paid the bills and towards maintenance.

Example

For example, A and B are an unmarried couple. They decide to purchase a family home and move in together.

Partner A contributes 70% of the deposit and Partner B contributes the remaining 30%.

In this situation it is highly recommended that they get a living together agreement to outline their intentions should the relationship breakdown. The law states that if they hold the property as joint tenants, then they will both receive 50% each regardless of A's higher contribution.

Partner A may wish for the agreement to reflect their larger contribution.



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