



BLOG

Who will inherit your property when you die?

If you jointly own a property at the time of your death, your share will not necessarily pass to the other owner. We take a look at the two different types of joint ownership and what happens when one owner dies.

When you buy a property with someone else, you have the choice of owning it as joint tenants or as tenants in common. You should take advice about the right type of ownership for your circumstances to ensure that your interests are protected.

Joint tenants

If you own a property as a joint tenant with someone else, then the whole of the property is owned by you both and if one of you should die, the survivor automatically becomes the sole owner.

This is the case even if you have made a Will leaving all of your estate to someone else.

Tenants in common

Owning a property as tenants in common means that each of you owns a specified share in the property or the proceeds of its sale.

When you first purchase the property, the agreement will state the share that each of you owns. It could be half each, but it is also possible to own different shares. For example, if one person has provided the deposit, ownership may be two-thirds for them and one-third for the other person.

If a tenant in common dies, their share will pass in accordance with the terms of their Will and not automatically to the other owner. This could result in the other owner having to leave the property if the person who inherits wishes to sell.

The importance of making a Will

By making a Will, you can ensure that your share as a tenant in common passes to the person you wish to inherit it.

You can also leave someone a life interest in a property. This can be useful in the event of a remarriage, where there are children from a previous relationship.

The new spouse could be left a life interest in a shared home, but when they die or choose to leave the property, it would ultimately pass to the children.

Making a Will not only means that your assets will be left to those you would choose to receive them, but it can also help avoid disagreements between family members after your death.

If you do not make a Will, your estate will pass in accordance with the Rules of Intestacy in specified amounts to close family members. Co-habitees and step-children will not receive anything.

If you have a Will drawn up, you can ensure that you include everyone who you would like to benefit from your estate.

If you would like to speak about the issues raised in this blog, email Victoria at victoria@ewps.ch for a no cost, no obligation chat.