

Family Law

Selling or purchasing a property if you are divorced or separated

If you are divorced or married but are separated, or have had your civil partnership dissolved and are selling or buying property, are your financial affairs in order?

People who are divorced may not realise that the divorce simply deals with the dissolution of the marriage and allows that person to remarry, it does not address financial claims that can be brought arising on divorce. Even if you do not intend to claim anything from your spouse, it is vital that your financial claims are dealt with otherwise it is possible that years later a spouse or former spouse can activate their claims.

Others may find themselves in a position where they do not want to divorce and have separated but whilst you remain married, potential financial claims can be brought, even years later.

Warnings

- A divorce does not deal with financial claims.
- As well as ensuring you receive a fair settlement, a court order ensures that you are not exposed to future financial claims.
- Financial claims can be brought in the absence of a financial court order, even years after separation or divorce, and a claim can be brought against assets acquired not only during the marriage, but also post separation or divorce.

Our Family Department has the skill and expertise to draft bespoke agreements and orders. Engaging a professional in these circumstances is a must and will certainly be cheaper than the potential financial loss that could arise. Our solicitors will assess your needs and recommend what is most suitable for you.

If you are divorced or separated, selling a family home, or purchasing a property, do ask to speak to a solicitor in our Family Department to see how we can help to ensure that your position is adequately protected. Alternatively contact the department directly on 020 7631 4141 or at family@bishopandsewell.co.uk

Consider

- Obtaining a financial order if you are divorced, have dissolved a civil partnership or you are about to divorce or dissolve a civil partnership.
- A separation agreement for those who wish to remain married or in a civil partnership, but are separated.
- Making a will.