



WHAT TO DO IF A JOINT LEASEHOLDER DIES



WEALD LIVING

BY SAXON WEALD



INTRODUCTION

Losing a spouse or partner is an extremely difficult time. We've put this leaflet together to help you sort out what happens to your home – but don't worry, there is no rush to sort out what happens with property which is jointly owned.

FIRST THING TO SEND TO US

If your spouse or partner dies, and you were joint leaseholders of your property, you should send us:

1. Name and address of the deceased; and
2. A copy of the death certificate

We will then amend our records e.g. Mr Jack Smith and Mrs Jane Smith would be changed to Mr Jack Smith and the Estate of Mrs Jane Smith.

WHAT TO DO NEXT

You will need to have the property records amended to remove the name of the deceased. How you do this will depend on whether you own the property as 'joint tenants' or as 'tenants in common'. If you aren't sure, then you should check with your solicitors.

If you own the property as 'joint tenants', this means that you both own the whole of the property. On the death of your spouse or partner, you automatically become the sole owner.

If you own the property as 'tenants in common', this means that you each own a specific share of the property – either 50/50, or another percentage altogether, e.g. 80/20. On the death of your spouse or partner, their share in the property will pass to their estate and will be dealt with under the terms of their will.

IF YOU WERE A JOINT TENANT

As mentioned above, you will automatically become the sole owner of the property upon the death of your spouse/partner. You will, however, still need to update Saxon Weald and the Land Registry.

To notify the Land Registry of the death you need to complete the Land Registry form DJP, and submit it along with an official copy of the death certificate or Probate. There is no fee payable to the Land Registry. You may need some help from family or legal advice to complete the form as you will need to know the Land Registry Title Number of your ownership.

Advice is available at: www.gov.uk/government/publications/deceased-joint-proprietor-djp

On receipt of your application the Land Registry will amend their records to your sole name and will send you an official copy of the register to demonstrate that this has been done. When you receive the official copy of the register please send a photocopy to Saxon Weald. We can then update our records to reflect your sole ownership.

IF YOU WERE TENANTS IN COMMON

If you were tenants in common then your spouse/partner's share of the property will be dealt with as part of their estate. Their share of the property may still pass to you under the terms of the will, but this is not automatic.

Please send us details of the representative(s) who are dealing with the will, together with evidence of their authority, as soon as you can. This will take the form of the grant of probate if the deceased left a valid will, or letters of administration if they did not. It can take some time for these documents to be available, particularly if letters of administration are needed.

Once we have this information, we will liaise directly with the representatives. The representatives will need to tell us what they propose to do with the property. If your property is part of an age restricted scheme please note that anyone buying or inheriting a share in the property will need to meet the eligibility criteria for the scheme.

The representatives will be responsible for paying any rent or service charges for the deceased's share, from their estate.

FINANCIAL DIFFICULTIES

If it becomes difficult for you to pay your mortgage, rent and/or service charges, then please speak to us as soon as you can. We may be able to suggest ways to help you.



SUPPORT

There are a number of agencies that can provide support at this difficult time.

Cruse

Cruse is a national organisation that can support you after the death of someone close.

You can contact Cruse on:

Tel: 0808 808 1677

Opening hours:

Monday and Friday 9.30am-5pm

Tuesday, Wednesday and Thursday
9:30am-8pm

Saturday and Sunday 10am-2pm

Or visit their website:

www.cruse.org.uk

INFORMATION CORRECT AS OF JULY 2024

Weald Living
Saxon Weald House
38-42 Worthing Road
Horsham, West Sussex
RH12 1DT

t: 01403 226060
e: info@wealdliving.com

www.wealdliving.com



WEALD LIVING

BY SAXON WEALD