

DISTINCTION BETWEEN “JOINT TENANCY” AND “TENANCY IN COMMON”

Neither of these expressions has anything to do with being a tenant of the property, in the ordinary sense. They are the names given to two alternative methods by which joint owners can own a property.

JOINT TENANCY

If the property is held on a “Joint Tenancy” then on the death of one of the joint owners the share of the deceased owner will automatically pass to the other owner.

A Joint Tenancy can only apply where the joint owners have equal shares and is normally the basis chosen by husband and wife.

TENANCY IN COMMON

A “Tenancy in Common” can apply whether the shares are equal or not.

If there is a Tenancy in Common, on the death of one joint owner the share of the deceased owner will pass in accordance with his Will or according to the law of Intestacy, which applies where there is no Will.

In some cases the share may pass to the other joint owner but this will entirely depend on the terms of the Will or the laws of Intestacy.

With a Tenancy in Common, if the shares are not equal they will normally depend upon the respective amounts each owner has contributed towards the purchase of the property but this can be adjusted by agreement between the parties.

If the shares are not equal, it is usually advisable to have a separate Trust Deed prepared setting out precisely the respective interests in the property.

A “Joint Tenancy” can at any time be converted into a tenancy in common by **either one** of the joint owners serving notice to that effect on the other owner.

Where a notice is served in this way, the law, as it now stands, will regard the resulting “Tenancy in Common” as being one where the shares are equal.

A “Tenancy in Common” can only be changed by agreement between **both owners**.

Please indicate your wishes at the foot of this note, a copy of which is attached for your retention.

TO: Khalique Kingsley Solicitors

We wish to purchase as: (please delete as appropriate)

- (a) Joint Tenants**
- (b) Tenants in Common (the shares will be equal)**
(Please state how the shares are to be held if not equal)

NAME: _____

SIGNATURE: _____

NAME: _____

SIGNATURE: _____

DATED: _____