

What to do when a Shared Owner passes away.

In this guide we will take you through the process when a shared ownership owner sadly passes away.



What happens when a Shared Ownership leaseholder passes away?

We understand that dealing with the passing of a loved one can be challenging, and we want to guide you through the process of handling the shared ownership property in a customer-friendly way.

If the property is solely owned.

When the property is solely owned, it doesn't automatically pass to anyone else. Instead, it will be transferred to the deceased owner's beneficiaries named in their Will or according to the rules of intestacy.

To initiate this process, please send us an original or certified copy of the Death Certificate so we can update our records accordingly. To deal with the deceased's estate, an Executor or Administrator must be appointed based on whether there is a Will or not. It's recommended to appoint a solicitor who can guide you through the necessary documentation to transfer the property to the beneficiary's name.

If the property is jointly owned:

If the property is owned jointly, there are two scenarios to consider based on the type of joint ownership:

Joint Tenants: In this case, the survivorship rule applies, meaning the property automatically passes to the surviving owner(s). Please provide us with an original or certified copy of the Death Certificate to update our records accordingly. You may also need to update the Land Registry Title.

Tenants in Common: Here, the property doesn't automatically pass to the surviving owner(s). Instead, it will be transferred to the deceased owner's beneficiaries named in their Will or according to the rules of intestacy.

To proceed with the transfer, an Executor or Administrator should be appointed, and a solicitor can assist in completing the necessary documentation.



The Shared Ownership lease.

The shared ownership lease allows for the property to be transferred to any beneficiary entitled to it, regardless of whether they meet the shared ownership eligibility criteria. The beneficiary will assume the role of the deceased shared owner, responsible for shared ownership rent and service charges.

What happens if the beneficiary is a minor?

If the beneficiary is a minor, the property cannot be transferred directly into their name. However, it can be transferred to a Trust that will manage the property on behalf of the minor. It's advised to seek legal advice in this situation.

What happens if the account is in arrears with ongoing payments due?

Any rent and service charge associated with the property continue to apply and accrue. If the property is transferred to a beneficiary, they become responsible for these payments. Arrears, if any, must be settled by the beneficiary or from the Estate of the deceased shared owner. If the property is to be sold, the arrears need to be cleared before the completion of the sale.

The sale of the property.

If the beneficiary decides to sell the property, they must adhere to the shared ownership provisions in the lease. We may have an opportunity to find a buyer for the property during a set period. If not, the beneficiary can sell the property on the open market. Please keep us informed if you plan to sell, and we will guide you through the process.

In conclusion, if a shared owner passes away, please inform us as soon as possible and provide the necessary supporting documentation (Death Certificate, etc.). We strongly recommend seeking legal advice to manage the deceased's estate and property effectively. Our team is here to assist you throughout this process.



Useful Links:

Dealing with the financial affairs
of someone who has died
- Citizens Advice

Get help with grief after
bereavement or loss
- NHS



Want to contact us?

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Find your neighbourhood coach and get in touch:
bromford.co.uk/neighbourhoodcoach



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