



Tenancy Severance



FCTS

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Introduction

About US

First Choice Tenancy Severance is part of the First Choice Group of companies, based in Manchester, being originally established in 2010 as a legal and financial solutions provider to business owners within the UK with an emphasis on business protection.

FCTS work transparently in conjunction with HM Land Registry to deliver protection to couples and or business owners who own property jointly with another.

The Group, including FCTS, pride themselves on delivering with the utmost confidentiality and integrity and in a timely manner with a view to ensuring that our private and commercial clients receive a professional and expedited service.

Background



His Majesty's Land Registry

The Land Registry was established in 1862 but it was not until 1st December 1990 that legislation was introduced to ensure compulsory registration of all land and property within the UK.



Experience

We have many years experience in dealing with private and commercial property dispute resolutions between joint property owners and protecting them against claims from third parties.

JOINT PROPERTY OWNERSHIP EXPLAINED

Property and or land whether residential, commercial or agricultural can be owned individually, jointly, by a group or by a business.

Here we look at the specifics of owning property or land jointly whether that be as JOINT TENANTS or TENANTS IN COMMON.

JOINT TENANTS

Property can be owned jointly with another in one of two ways with the primary choice of most Solicitors being Joint Tenants.

This, quite simply, is negligent and could lead to untold and an unmitigated disaster for a number of reasons.

When one owner of a jointly owned property passes away the deceased's share automatically transfers to the survivor which, in the scheme of things, is fine. However, if the deceased leaves children and the survivor remarries then their new partner will then have a claim over what was the deceased's share of the jointly owned property and that will negatively impact on the entitlement of the deceased's remaining living children.

Another issue with property owned as joint tenants is that if one or both owners are in business separately or together and that business fails then any creditors to that business could claim against the property and force its' sale and this is particularly the case in instances involving bankruptcy proceedings.

Therefore, owning property as Joint Tenants is a mistake.



TENANTS IN COMMON

Owning property jointly as tenants in common is pretty much the same as owning as joint tenants in that you can own the property equally but for the fact that the rules for distribution are very different.

If a co-owner passes, the surviving owner does not automatically inherit the deceased's share. In this instance the deceased's share passes according to their will.

Jointly owning property as tenants in common has many positive benefits including protecting surviving children and heirs, protection against creditors and possible bankruptcy and protecting against new third party interests.

TENANCY SEVERANCE

You begin the process by serving a “Notice of Severance” on the joint owner. This should be done even where the joint owners are in agreement as it is an important supporting document of the application to sever.

Then you complete form SEV being an “Application to enter Form A restriction on severance of joint tenancy by agreement or notice”.

Submit the SEV and supporting documents including a certified copy of the Notice of Severance signed by all of the owners to HM Land Registry’s Citizen Centre.

The severance will then be registered in the property title documents and HML Registry.

