



Family Law

CALL US - BEFORE
YOUR EX DOES!

A

I will assume that you are legally married and that the house is your matrimonial home. In this case, for the purposes of family property division, the matrimonial home is considered to be jointly owned, and its value (less any encumbrances such as mortgages or lines of credit attached to the home) would be divided equally.

This applies whether or not you owned the house originally, or whether you are still solely on title.

This also means that you cannot kick her out of the house, nor can you change the locks without her consent or a court order. You also cannot sell it, or

mortgage it, without an agreement or court order, which you can obtain with the assistance of a family lawyer.

You may decide to buy her out of the house; you would need to agree on a current property value (while the value of other assets is frozen as of the date of separation, the value of the matrimonial home continues to grow until resolution is reached). A real estate broker can provide a free market valuation or you can jointly seek the paid services of a property appraiser to determine its value.

Your friends at Shank Law.



Roxanne C. Shank
LAWYER

Q

My wife and I have called it quits. I owned our house before she moved in and we got married. I say it is mine and she says it is ours. What is the right answer?



Phone: 705-435-5055
Email: lynn@shanklawoffice.com
Web: shanklawoffice.com

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