

## Your Legal Questions

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**Q** My husband has just left me for another woman. He says he's going to sell our house. We've been married for 9 years but the house is in his name as he bought it before we met. I'm really worried he's going to sell it without me knowing. What can I do?

**A** Firstly, you need to know if your home is registered or not. An application for an official search of the Index map should be made to the appropriate Land Registry, if you do not know.

If the property is registered, you can protect your rights of occupation - which you have because you are married and it is your home - by entering a notice in the Register. This will protect your interest against a subsequent sale and is achieved by sending the prescribed form to the appropriate Land Registry.

Your occupation rights continue only for as long as the marriage, unless a Court orders otherwise, so caution should be used before applying for Decree Absolute in any subsequent divorce proceedings.

In the event that you divorce before property matters are resolved, you can apply to the Land Registry to enter a restriction on the Register. You will need to persuade the registrar that you have a sufficient interest in the making of such an entry. Unlike a notice, your husband will be given the opportunity to object to the registration of a restriction.

Should your home not be registered at the Land Registry then your rights can be protected by registering what is known as a Class F land charge against the name of the estate owner (your husband) in the Land Charges Department.

The effect of the registration of either a notice or a Class F landcharge is that your rights of occupation are deemed to be notified to any prospective purchaser - who will not want to buy the property with you living in it!

Both processes can be quickly dealt with by an experienced family solicitor

Contact Roberta Ferrari on 01934 623501 or [Ferrari@powellslaw.com](mailto:Ferrari@powellslaw.com)

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