



## Important Tips When Selling Your Property When Divorcing

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### It's not just the cat you have to consider.

When you're in the midst of a divorce, the last thing you want or need is the stress that goes along with selling your property. That's why it's best to be prepared, take your time, then reach out and listen to a range of professionals to support you through the process. Here are a couple of pointers to get you started on this process.

#### First Steps and Finances

It's a good idea to complete a few initial steps before contacting your lawyer and finalizing your divorce. Calculate how much value each of your assets has as well as your liabilities. After years of marriage, you've shared finances and assets, so you'll need to work out who is going to pay the mortgage after one party moves out; who will be the main caretaker of the children, and who will pay the remaining credit card debt.

At this stage, you and your soon-to-be-ex may not agree on anything. When both parties cannot agree, the Family Court of Australia decides how the assets and liabilities will be divided. Make sure you keep a record of your expenditures.

Properties with fluctuating values such as apartments and homes make it hard to get an exact value for these assets. However, you can get a close to accurate estimate with the help of a professional valuation company. Find copies of certificates, agreements, and contracts that you and your spouse have shared. Make sure these are valid copies and not photocopies. You may need these authenticated by a Justice of the Peace. Ask your Lawyer to explain what the requirements are for these documents which leads to the next point.

## Get Advice from a Lawyer

Bring all of your financial estimates and documentation to your initial consultation with a lawyer to discuss your case and options. The goal is a mutually satisfactory solution to avoid going to court. So the more honest, open and transparent you are at this stage, the more likely the outcome will be achieved in a satisfactory way for both of you.

## Court Settlements

If you and your spouse cannot reach a mutual agreement, then a court hearing will be scheduled. The courts don't work from a set formula, so you'll find that the courts look at each case differently. The Family Court will consider the value of your assets and liabilities which includes superannuation. The court will also consider each party's wages and other financial contributions and indirect financial contributions such as inheritance. The Family Court will consider non-financial contributions such as home-making and child care.

## Out of Court Settlements

Even if you settle out of court, you'll have to consider all the above issues, too. If either party feels unfairly treated, the case goes to Family Court. That's why it's important to get legal advice early in the process.

It's so important to consult with a lawyer early because: Property adjustments must be made within a year of the divorce date. If in a de facto relationship, the property adjustments must be made within two years of the separation date.

## Selling Property or Not

Consider your options. You don't have to sell your property when your relationship ends. But the property value will be divided between the two parties. You may be able to keep your home, but you'll have to buy out your partner. This can involve refinancing your home and perhaps a higher mortgage payment. If you own a rental property or another asset, you may be able to swap assets if you want to keep the home.

If you choose to sell your home, the Family Court will decide how the property is split or if it goes to one party. You can agree to keep the home for a specific time period. For instance, some people choose to allow one spouse to keep the home while a child is finishing their high school year. At the time, the party staying in the home may have to pay the mortgage for that time period. It will be as though they are renting the home until the home is sold.

## Buying out Your Ex and Refinancing Your Home Loan

If your home is in both of your names, then removing your ex-partner's name from the loan agreement or property title isn't as simple as you may think. First, you'll have to agree about what to do with the property you own jointly. Then you'll need to go through the selling or refinancing procedure.

You'll need to let the lending institution know the following:

- A record of the repayments because if you kept good records, the bank is more likely to refinance.
- If you don't have enough equity in the property, show the bank or lender that you have the money to buy out your ex-partner.
- You may need to give information about your savings account.

The lending institution or bank will evaluate your records and do a valuation of your home. If the bank's valuation of your home is too low, they may turn you down for a loan.

The lending institution may count as income any child support you receive from your former partner. If your children are older, the lender may not calculate the child support as income because of the short duration of payments remaining. You'll need to provide at least six months of statements from Centrelink as proof that you received regularly scheduled child support payments.

## Finding the right way to Sell.

There are some great alternative methods for selling your home now. Look at these alternative models and professionals. Property Advocate/Advisors and the new online models are streamlining the processes. Property Advocate/Advisors are not paid commission and are skilled negotiators and are highly skilled communicators. Sensitivity is key in handling the sale of a home during a divorce, so that's a quality you should look for when interviewing any Property Advocate/Advisor to help you sell your home. An advocate who can converse and deal with both parties sensitively is crucial for a successful sale.

[Next Address](#) can introduce you to reputable and trustworthy Property Advocate/Advisor with considerable experience handling divorce or separation home sales.

## Getting Your Home Ready for Open Houses and Showings

When you sell your home, you'll want to get the highest price. It's in both of your best interests to sell to the highest offer. To prepare your home for sale, you may need to invest time and some money to do so.

Here are some possible costs involved in preparing your home for sale:

- Repairs and upgrades
- Cleaning
- Home Staging
- Landscaping Services
- Home Inspection Cost

If your home needs renovation, then the costs can be significant. Now, the question is "Who will pay for the costs?" One party may not be able to afford the costs. An experienced Property Advocate/Advisor can help you and your ex-partner come to a mutually agreeable solution.

## Reviewing Offers

Couples during a divorce can disagree when it comes to offers made on the home. One partner may want to sell and the other one wants to hold out for a higher amount. This is a scenario in which an experienced agent can reduce the turmoil and stress of the real estate sales process.

## Division and the Sale

You, through the legal advice of your lawyer, or the Family Court of Australia will decide how to divide the sum of the home sale. A half (50/50) split is not a guarantee because it depends on many factors. The agreement signed both parties' is binding, so you'll want to make sure you secure the best advice from your lawyer.

Once the home is sold, you and your ex-spouse can move on to live your separate lives. A positive outcome is possible for both of you with the help of an experienced Property Advocate/Advisor and divorce lawyer.

## Taking control of the sales process.

Next Address matches sellers with buyers based on what they need and require. Next Address can help you find serious home buyers. We match your property with buyers in search of your home's features and price range. If you need additional help in selling your home, we have a Preferred Property Advocate/Advisor service in addition to our one on one property help line and online support.

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