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Going Through Divorce and Selling your House

A Guide to What Happens Next

lyonsbowe.co.uk | newenquiries@lyonsbowe.co.uk | 01749 345756

Separation & Divorce

Where do you start?
Separation and divorce can bring a lot of decisions at once. You may be thinking about the legal end of your marriage, your finances, where you will live and what happens to the family home. You do not need to have every answer before speaking to our Family Law Solicitors.

Our Family Law team can help you understand your position, the decisions that need to be made and the order in which to approach them. The aim is to give you clear, practical guidance so you know what is happening and what comes next.

A useful starting point
Before making major financial or property decisions, it can help to gather information about your income, savings, pensions, debts, mortgage and property ownership. If you have children, their arrangements may also need to be considered separately from the divorce itself.

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Understanding the Divorce Process

In England and Wales, divorce is a legal process of ending a marriage. Since the introduction of no-fault divorce, an application can be made by one spouse or jointly, without needing to rely on allegations about the other person's behaviour.

The Application
The divorce begins when an application is made to the court. Depending on your circumstances, this can be a sole application or a joint application.

Conditional Order
Once the relevant stage of the process has been reached, an application can be made for a Conditional Order. This confirms that the court sees no legal reason why the divorce cannot proceed.

Final Order
The Final Order legally ends the marriage. There is a minimum waiting period after the Conditional Order before it can be applied for. The timing of the Final Order can also be important where financial arrangements have not yet been finalised, so take advice before progressing this stage.

Helping Families Move Forward

The paperwork is only one part of divorce. Our approach is to help you understand the wider decisions that sit around it, particularly your finances and the family home, so each stage can be considered as part of the bigger picture.

Divorce and Your Financial Arrangements

Getting divorced does not automatically resolve your financial arrangements. Money and property need to be considered separately, and where an agreement is reached it may need to be recorded in a court-approved Consent Order to make it legally binding.

What may need to be considered?
Your circumstances will determine what is relevant, but discussions can include the family home and other property, savings and investments, pensions, debts and liabilities, income and maintenance, including each person's future financial needs.

There is no automatic rule that every asset will simply be divided equally. The right outcome depends on the circumstances of the marriage and the factors the court is required to consider. Getting advice before making significant decisions about the home can therefore be particularly important.

How Our Family Law Team Supports You

Going through a divorce can be an emotional and uncertain time, which is why our Family Law team combines personal support with an innovative approach. We take the time to understand your circumstances, provide clear and transparent information about costs, and use Lyons Bowe's technology integration to make communication and updates easier throughout your matter.

What Happens to the Family Home During Divorce?

For many couples, the family home is one of the largest assets and one of the most personal decisions to resolve. Divorce does not automatically mean the property must be sold, and the right route will depend on your financial circumstances, ownership, mortgage position, children's needs and the wider financial arrangements.

Before deciding to sell

It can be useful to understand who legally owns the property, whether there is a mortgage, the approximate value of the home and whether either person could realistically afford to remain there. If the property is owned solely by your spouse, you may also need advice about any rights you have to occupy or protect your interest in the home.

The Family Law team can help you understand how the home fits into the overall financial settlement. Once the decision about the property has been made, our Property Law team can help put that decision into effect.

Your Options for the Family Home

Sell the property
You may agree, or the court may determine, that the home should be sold. The mortgage and agreed costs are dealt with as part of the sale, with the remaining proceeds then handled in accordance with the financial arrangements or court order.

One person remains in the home
In some circumstances, one spouse may remain in the property. This can involve questions about affordability, the mortgage and how the other person's interest in the property will be dealt with.

Transfer ownership
Where one person is to become the sole owner, a Transfer of Equity may be required. If there is a mortgage, the lender will usually need to be involved and the person keeping the property may need to show that they can afford the borrowing in their own name.

Delay a sale
In some cases, a sale may be postponed, for example where the arrangements are structured around the needs of children. Whether this is appropriate is highly dependent on the individual circumstances and should be discussed with your Family Law solicitor.

Tax and financial advice
Transferring or selling assets during or after separation can have tax consequences. The rules can depend on timing and the terms of any formal agreement or court order, so specialist tax or financial advice may be needed alongside legal advice.

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If You Decide to Sell Your Home

Once selling the family home becomes part of the agreement, the focus moves from deciding what happens to the property to completing the sale. This is where our Property Law team can work alongside your Family Law team.

1. Instruct your conveyancer

You can instruct a conveyancer as you prepare to market the property or once a sale is agreed. Starting early can help make sure the legal information needed for the transaction is being prepared.

2. Prepare the legal paperwork

Your conveyancing team will obtain the title information and work with you to prepare the documents and information required for the buyer's solicitor.

3. Buyer enquiries and mortgage

Once a buyer is found, their solicitor will review the contract papers and raise enquiries. Your conveyancer will respond with you and obtain information about any mortgage that needs to be repaid on completion.

4. Exchange of contracts

When the legal work is complete and everyone is ready, contracts can be exchanged. At this point the transaction becomes legally binding and a completion date is agreed.

5. Completion

On completion, the purchase money is received, the existing mortgage and relevant sale costs are dealt with, and the remaining funds are distributed in accordance with the instructions and any financial agreement or court order.

Keeping the two legal journeys connected

Where your divorce, financial arrangements and property sale overlap, communication between the relevant teams can help make the transition clearer. You will still receive advice specific to each legal matter, but you do not have to start again with a completely new firm when the property stage begins.

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Moving Forward After the Sale

Completion of the sale can mark the end of one part of the process and the beginning of another. You may decide to rent for a period, stay with family or start looking for a property of your own. There is no single right next step.

If you decide to buy again
When you are ready to purchase another property, our Property Law team can support you from your first estimate through to collecting the keys. If your purchase is connected to the sale of the former family home, speak to us early so we can understand the timing and how the transactions fit together.

A change in your relationship or property ownership can also be a useful time to review your Will and wider estate planning, particularly if your wishes or circumstances have changed.

One Firm for your Legal Journey

Why Lyons Bowe
At Lyons Bowe, our vision has always been clear: to change how legal services are delivered to our clients, making them more human, more innovative and truly built around people. Everything we do is guided by our core values: innovation, ownership, and community. These values shape how we build our systems, support our staff and deliver legal services that feel genuinely different.

Divorce can create several connected legal needs at different times. At Lyons Bowe, our Family Law and Residential Property teams can support you through the decisions surrounding your separation and, when the time comes, the legal process of selling or buying a home.

One Firm for Life's Big Moments
Supporting clients through Residential Property, Family Law, Wills & Probate at different stages of life.

The Lyons Bowe App
Access case updates, personalised checklists and secure digital features from your phone, helping you keep track of your matter wherever you are.

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Communication Built Around You
We use a range of communication options to keep you informed and make it easier to understand what is happening and what is needed from you.

Technology Supporting Your Journey
Our digital systems are designed to make legal services easier to access and help our teams communicate and progress matters efficiently.

The Lyons Bowe Abortive Pledge
For qualifying property transactions, if a transaction falls through no-fault of your own, our Abortive Pledge can protect you from certain Lyons Bowe legal fees, subject to the terms of the pledge.

The Lyons Bowe Charity Will Scheme
Our Charity Will Scheme helps clients support causes that matter to them by offering a discount on standard Will-writing fees when a gift is left to a UK-registered charity.

Client Feedback
Thousands of verified reviews across Google, ReviewSolicitors and Trustpilot reflect the experiences clients have shared about working with our teams.

Your Next Step

Whether you are at the beginning of a divorce, working through your financial arrangements or have decided that the family home needs to be sold, speak to Lyons Bowe about the stage you are at and the support you need next.

This guide is not a substitute for advice on your individual circumstances. Get in contact with our Family Law Team for more.

newenquiries@lyonsbowe.co.uk
01749 345756
lyonsbowe.co.uk
07942023229

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