

Property Co-Ownership Agreements – Issues to Consider

Co-ownership agreements are important where property is acquired jointly by persons or companies as tenants in common.

In essence these agreements govern the following:

- duties in relation to the maintenance, repair and financing
- duties in relation to disclosure and to account to the other owners
- buy-sell provisions, tag along provisions and drag along provisions
- decision making in relation to the maintenance, repair, and sale of property
- limits on owners' activities in relation to the property
- death of an owner (or some other mental/physical incapacity)
- divorce of an owner
- bankruptcy of an owner
- limits on mortgaging and charging shares in the property
- limits on trustee owners
- limits on corporate owners
- consequences of default by an owner
- dispute resolution

It is wise to have such a document in place at the time of settlement (or as soon as possible afterward) while goodwill between the joint owners is at its peak.

For further information, contact:

Simon Singer

Phone (02) 9212 1099

Email ssinger@dls-lawyers.com