

A **Mesher Order** is a Court **Order** that governs how the family home will be dealt with after divorce. A **Mesher Order** allows the sale of the family home to be deferred for a certain length of time or until a specific event takes place; such as when the kids leave school.

What exactly is a Mesher Order?

Mesher Orders are one way in which a judge and the divorcing couple can deal with a property when an immediate sale of the property or a transfer of equity to one party is not practical. They take their name from the case where this type of Order was first granted, which involved a divorcing couple named Mesher.

Sometimes also referred to as an 'order for deferred sale', a Mesher Order allows the sale of the family home to be postponed for a certain period of time or until a particular trigger event happens.

Common trigger events might be when the person living in the family home enters a new relationship and decides to cohabit with their new partner or to remarry; when children of the marriage are old enough to have finished their full time education or it can be a set date, agreed between the two parties.

Under the terms of the Mesher Order, the property will remain in the divorced couple's joint names, on trust for sale, until a point in time when a trigger event occurs and the property can be sold and the proceeds of sale, divided.

Alternatively, the property can be transferred to the occupying ex, who is still living in the house and the non-occupying ex, who has moved out, will have a charge on the house, sometimes referred to as a 'chargeback'.

Tenants in Common Explained

Owning property as **tenants in common** means you jointly own the property but as co-owners you are regarded in law as having separate shares. Often the shares are held on a 50/50 basis, but if one person is putting more of their money in than the other, the shares can be more specific.