

# What is a Mesher Order?

---

## Mesher Orders Explained

A Mesher Order is a Court order that says how the family home will be dealt with after divorce. A Mesher Order allows the sale of the family home to be pushed back for a certain length of time or until a specific event takes place; such as the children leaving school.

When a marriage breaks down, there are often finances and property to deal with. The Courts in England and Wales have wide ranging powers on deciding how finances are divided between a couple. There are numerous options available when dealing with assets, including what happens to the family home.

Most people will be familiar with some of the more popular options; the family home could be sold and the sale proceeds divided between the couple or one person could buy the other out. But what if neither of these options are practical or you have young children that you want to keep in their home? In this case, the Court can make a Mesher Order for the family home.

## What is a Mesher Order?

A Mesher Order is an order for the family home to remain in the couple's joint names until a certain trigger event happens. At this point the property would be sold and the sale proceeds divided between the couple. These orders are known as 'Mesher Orders' because the idea originates from the divorce case of a couple with the surname 'Mesher'.

## Why get a Mesher Order?

You might want to apply for a Mesher Order if you want to stay in the family home with your children, but don't have the financial means to take over the mortgage on your own. This would usually mean the property cannot be transferred into your sole name and so you would need your former spouse to remain on the mortgage. This doesn't necessarily mean they will still have to contribute towards the monthly repayments.

## Common Trigger Events

When there is a Mesher Order, there will be a list of events which would trigger the sale of the property. Common trigger events are:

The remarriage of the person living in the property  
Cohabitation for a defined period (usually six months)  
The youngest of the children reaching a certain age or point of education (usually 18 years or until they have left full time education).

If you would like any further information regarding the above or would like to book an appointment, please do not hesitate to contact the Family Law Department on 01384371622 or email [post@wjclaw.co.uk](mailto:post@wjclaw.co.uk) and we will be more than happy to assist you.