



A UTAH REAL ESTATE GUIDE FOR DIVORCING HOMEOWNERS

WHAT HAPPENS TO THE HOUSE IN A DIVORCE?

GUIDANCE FROM A REAL ESTATE DIVORCE SPECIALIST





A Quick Introduction

Going through a divorce is incredibly hard. The house you've built a life in often holds the most memories, but also the most questions. "Who stays?" "Can I keep it?" "What if I can't afford it alone?" These worries are completely normal, and you're not alone.

As a licensed Utah real estate agent who has helped many families through this difficult transition, my goal is simple: give you clear, honest information so you can make decisions with a little less stress and more confidence. Whether you're just starting to explore your options or you're ready to move forward I'm happy to have a conversation, no pressure, no sales pitch. Just practical guidance from someone who cares about your family's future.



Utah Divorce and the House:

The Basics

Utah is an "equitable distribution" state. That means the court aims for a fair division of marital property, not always exactly 50/50. Your home may be considered marital property, separate property, or a mix of both, depending on when it was purchased, how it was paid for, and how it was used during the marriage.



Key Factors That Usually Matter Most

- When the home was purchased
- How the down payment and mortgage were paid (using marital income for payments or improvements often creates a shared interest)
- Whose name is on the deed versus the mortgage note
- Current equity and whether one spouse can realistically afford the home alone
- The presence of minor children and the desire for stability

FOUR COMMON PATHS FAMILIES CHOOSE

Here's how these situations often play out in Utah, plus some real-life things I've seen families wish they'd known sooner:

1. Sell the Home and Split the Proceeds

This is often the cleanest option when neither spouse can afford the home alone or when both want a clear financial separation. After paying the mortgage and closing costs, the remaining proceeds are divided according to your agreement or court order.

What helps most: Agree early on a realistic timeline, who will live there during the sale, and how repairs or mortgage payments will be handled. A calm, neutral process can make things less painful for everyone.

2. One Spouse Keeps the Home and Buys Out the Other

If staying in the home feels right for one of you (especially with kids in school), a buyout is common. This usually involves a refinance so the staying spouse takes the loan in their name and pays the other their fair share of the equity.

Tip I share often: Get a current market value and payoff numbers early. Small differences in how value or selling costs are calculated can change the numbers more than expected.

3. Keep Co-Ownng for a While

Some families choose to keep the home temporarily, maybe until the kids finish a school year or the market improves. It can work, but it requires a clear written plan covering payments, repairs, occupancy, and an exit date.

Important reality check: I've seen co-ownership create extra stress when one person stops paying or the property needs work. Detailed agreements (and legal help) make a big difference.

4. Transfer Title Without Refinancing (High Risk)

Signing over the deed does NOT remove the other spouse from the mortgage. Late payments can still hurt both credit scores, and most loans have a "due-on-sale" clause. Federal law offers some protections in divorce, but always check with the lender first.



UTAH

DIVORCE HOME CHECKLIST

Going through a divorce involving your home can feel overwhelming. This simple checklist is designed to help you start organizing key information and questions.

Gather your key home documents

Collect the deed, current mortgage statement(s), recent payoff estimate, property tax records, HOA documents, homeowners insurance policy, and any home equity loans or second mortgages.

Key point: Good documentation helps your attorney assess marital vs. separate property interests.

Document improvements, repairs, and contributions

Keep records of any upgrades, maintenance, or payments made during the marriage using marital funds.

Key point: These can impact claims to increased equity or appreciation.

Estimate current market value and equity

Get a realistic sense of your home's current market value and subtract the mortgage balance and any liens.

Key point: The valuation method can significantly affect buyout amounts or proceeds, your attorney can help determine the best approach.

Consider children's stability and other equitable factors (if applicable)

Think about school schedules, living arrangements, and other circumstances that may matter when dividing property.

Key point: Utah courts consider multiple factors, including child stability, when aiming for a fair division.

Review title and mortgage responsibility

Check whose name is on the deed (ownership) versus the mortgage note (debt liability). These are often different and usually need to be addressed separately.

Key point: Transferring title alone does not remove mortgage liability, discuss this with your attorney and lender.

Outline temporary and long-term plans for the home

Consider occupancy during the process, repair approvals, timelines for sale or refinance, and an exit strategy if co-owning temporarily.

Key point: Detailed written agreements can help reduce future disputes.

Plan for short-term mortgage and expense payments

Decide (and document) how the mortgage, utilities, taxes, insurance, and HOA fees will be handled during the process.

Key point: Late payments can affect credit and complicate matters, courts take ongoing responsibility seriously.

Connect with the right professionals early

Schedule time with your family law attorney, a mortgage professional, and, if helpful, a local real estate advisor familiar with divorce situations.

Key point: Early input on timelines and costs can prevent bigger issues later.



Divorce is an emotional process, and decisions around the home are often made under pressure. Being aware of these common mistakes can help you protect your finances, and avoid unnecessary stress down the road.

COSTLY MISTAKES TO AVOID



Making quick decisions based on emotion

It's completely natural to want a fast resolution—but rushing decisions about the home can lead to outcomes that don't make financial or long-term sense. Taking a step back to evaluate your options can help ensure you're making a decision you won't regret later.



Not understanding mortgage liability

Even if one person moves out or gives up ownership, they may still be legally responsible for the mortgage. If payments are missed, it can impact both parties' credit and financial future—regardless of what was agreed to verbally or emotionally.



Assuming title and loan are the same thing

Ownership (who is on the deed) and financial responsibility (who is on the loan) are two different things. It's possible to be removed from title but still be tied to the mortgage—which can create unexpected risk if not handled properly.



Waiting too long to explore your options

Delaying decisions about the home can limit your flexibility and create added stress as timelines tighten. Exploring your options early allows you to plan, avoid pressure, and make more confident, informed decisions.

A little clarity early on can make a significant difference in how smoothly this process unfolds.

When to Reach Out to a Real Estate Professional

I'm Here If You Want to Talk

Divorce is tough enough without the house adding extra weight. If selling or a buyout is on the table I'd love the opportunity to meet and provide a no-obligation, confidential market analysis, current market insight, realistic pricing, timeline guidance and walk you through what your options might look like. So, whether you're ready today or just gathering information. Feel free to reach out. You can call or text me at (801) 386-2922. I've helped many Utah families through this transition, and I'm happy to listen and share what I know.

Why work with a Real Estate Divorce Specialist?

Selling real estate when there is a divorce involved is different. It involves more than a transaction, an agent must consider the people involved, all the emotions, and recognize this is a huge life change for so many. Having the right professional by your side can make a significant difference in the outcome and the experience.



What Matters Most



Neutral Communication

Both parties deserve clear, organized communication and equal access to important information regarding the home and sale process.



Understanding the Emotional Side

For many families, the home represents much more than just property. A calm, respectful process can help reduce unnecessary stress during an already difficult transition.



Structure & Clarity

Divorce situations often benefit from more planning, clearer expectations, and careful coordination between attorneys, lenders, and the parties involved.



Protecting the Process

Poor communication or lack of experience can unintentionally increase tension between parties. Having someone familiar with these situations can help keep the process productive and moving forward.



MY GOAL

My goal is not simply to sell a home.
It's to help create a process that feels:

- ✓ Respectful
- ✓ Fair
- ✓ Organized
- ✓ Calm
- ✓ As stress free as possible for everyone involved



The sale of the home is often one of the biggest steps in the divorce process.

I'm here to help guide you through it with professionalism, compassion, and clarity.





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About Steve Boynton

I don't wish divorce on anyone. I know most people never get married expecting their relationship to end and I understand every situation is different.



How I got into this

Ironically, my focus on divorce real estate started completely by accident.

Over the years, several people close to me went through divorce and asked for my help selling their homes. Through those experiences, I quickly realized that selling a home during a divorce is very different.



My Approach

I do not take sides. My goal is to ensure communication stays clear, and transparent while helping reduce stress and keep the process moving forward in a productive way. I understand that the home is often much bigger than just a transaction



My Goal

The sale of the home is often one of the biggest steps in the divorce process. My goal is not to make relationships worse. If possible, I want to help create a process that feels respectful, professional, and as amicable as circumstances allow.



Above all, I want people to feel relief, confidence, and clarity after speaking with me.

Whether you are simply exploring your options or already know a sale is necessary, **let's talk through your options.**