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ASK A LAWYER

Brothers at odds over inherited home

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Question:

My brother and I inherited my mother's house, and our names are on the deed. I want to move in and live rent-free, but my brother and his son say I should pay rent. Since I am half-owner, does my brother have any legal way to prevent me from moving in?

G.M.

Orlando



FRANK POHL
Pohl & Short, P.A.

Answer:

You each own the house equally as tenants in common, with an equal right to occupy the property. If you and your brother disagree as to the use and possession of the house, and you don't want to sell the property, your brother has the right to file a partition action with the court to sell the property. As part of that suit he could seek an injunction preventing you from moving into the property.

In any case, as tenant in common you have no legal obligation under Florida law to pay rent to your brother. The only exceptions would be if you are also collecting rent payments, or if you are otherwise adversely preventing your brother from occupying and using the property.