

# Relationship Property Quick Facts

The Property (Relationships) Act is the legislation that helps determine how property is divided when a relationship ends. Here are eight facts of interest to consider regarding relationship property.

1. If a couple are in a long term relationship they could be in a qualifying de facto relationship even if they are not living in the same house.
2. If a couple are living together in a house that one of them owned before the relationship started then the house is likely to be relationship property.
3. If parents are gifting funds to assist a couple to purchase the home they will live in then the gift is relationship property.
4. If salary or wages are going in to KiwiSaver fund or other form of investment then the KiwiSaver or investment fund will be at least partly relationship property.
5. If inheritance monies are used for a relationship purpose such as paying off the mortgage on the family home, then the inheritance will become relationship property.
6. A partner or spouse can claim a half share (at least) of relationship property assets regardless of what their deceased partner or spouse's Will says.
7. If a couple separate and decide to divide their assets without signing an agreement that meets the requirements of the Property (Relationships) Act 1976, then either party may be able to revisit the asset division at a later stage.
8. If assets are in a Trust then they could still be at risk of a relationship property claim.

The best form of protection to all of these relationship property traps is a Contracting Out Agreement (aka a Pre-Nuptial Agreement).

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