

An abusive mother makes home ownership unbearable

By Ilyce Glink
and Samuel J. Tamkin
Tribune Content Agency

Q: My mother and I are both on the title to our house. The house is paid off. My mother is also abusive and I am disabled. She has threatened to get an attorney and throw me out of the house.

Can she legally do this when I reside in the house, maintain it, have made multiple improvements to it, and continue to plan to make further improvements? For a time, I did not reside there and my mother allowed a tenant to move in who was dealing drugs out of our home. She didn't consult me about this decision and then claimed I had no rights to be involved when it comes to who rents the house.

Is my mother allowed to remove me from title simply because she wants to hurt me?

A: We're sorry you are in such a troubled situation. Your personal issues with your mother are troubling and will certainly cloud your living situation; but from the legal side you own this home with your mother. Your mother shouldn't be able to throw you out of the home nor should she be able to remove you from the title to the home.

You should make sure you understand exactly how you and your mother own title to the home. You and she have quite a bit of money invested in this property and now that the home is paid off, you have a significant amount of equity in the home. You have made improvements to the home as we'd expect any owner of a home to make to his or her home.

You have to figure out

your options. We suggest that you find a real estate attorney or family law attorney to sit down with you and go over what has happened. If you and your mother are unable to live together and unable to manage the home as co-owners, it might be best for you and your mom to split up. For you to split up, you might need to have her buy you out of the property or you might have to buy her out.

Would your mother be willing to sell her interest in the home to you or buy out your interest? And, here is where family and the law might collide. Frequently, parents make decisions that appear to be good at first glance but can come back to bite them later.

You didn't mention how you became a co-owner of the home. If you and your mom both went out and purchased the home, you'd have a situation that would be pretty unique. If, on the other hand, your mom purchased the home some time ago and put you on the title to the home, you'd have a more classic scenario. We bring this up to illustrate that your mother may feel that she owns the home and that you may be on the title just for "estate planning" purposes -- for you to get the home upon her death.

If we're right and your mom put you on the title, then you may not have put enough money into the home to be an "equal" owner in the home from your mother's perspective. From the legal perspective, you might be a 50 percent owner, but not from your mom's. If this is the case, if you approach your mother to buy you out,

you might just be looking at getting back the money you put into the home and perhaps not looking to benefit from some of the appreciation given from the improvements you made to the home.

If you had said that you had not put improvements into the home and your mom had put you on title, we'd probably suggest that you move out and get your own place. What we have not addressed is your disability. If your disability allows you to live on your own, then for your own well-being, you might be better off living somewhere else. Only you can judge that situation and determine what is best for you, particularly if living with your mom is physically hurting you and your relationship with her.

The bottom line is that your mom shouldn't be able to sell the home without you and you should still get the full title to the home when your mom dies, but only if you are joint tenants with right of survivorship on the title to the home.

For all these reasons, you might want to dig deep to figure out what is best for you, for your living situation, for your relationship with your mom, for your disability, and for your finances; and then make a decision. If you sit down with an attorney and walk through all these issues, you might get a better sense of what your options are and how the future with your mother and this property is likely to play out.

Ilyce Glink is the creator of an 18-part webinar+e-book series. Samuel J. Tamkin is a Chicago-based real estate attorney. Contact at ThinkGlink.com.

COUNTRY PREFERRED, REALTORS

Formerly Coldwell Banker Preferred Group

331 W. MAIN ST. • JOHN DAY, OR 97845
(541) 575-2710 • 1-800-575-2710



Amy Denman Owner/ Broker 503-577-7029
Al Denman Broker 503-709-0425
Fred Winegar GRI Broker 541-620-1560
Sharon Busch Broker 541-620-1011

CHECK US OUT ONLINE AT www.country-preferred-realtors.com
Our office and brokers are licensed in Oregon




\$699,000



One of a kind gorgeous tudor-styled home located on 161 acres in the Strawberry Mountains.

This castle like 7164 sq ft home has 6 bedrooms and 4.5 baths. Features a family/theater room, formal dining rm, great room and library. Large open kitchen featuring Italian granite. The master suite has a fire place and expansive views from bay windows. Too many amenities to list. Call for more details and set up a showing. RMLS #17217065

<p>OFFICE Eastern Oregon Realty 160 E. MAIN • JOHN DAY, OR 97845 541-575-2121 / 888-575-2121 Jerry Franklin, GRI (ABR)/SRES Principal Broker/Owner, 541-820-3721 Wendy Hull, GRI Principal Broker, 541-620-4239 Michal Madden Broker, 541-620-4408 Traci Frazier Broker, 541-620-0925 Lindsey Madden Broker, 541-792-0031</p>	<p>#3225R SPACIOUS 1,924 +/- SF 3BD/1BA. Kit w/peninsula; appls incl. Fam rm w/hardwood, laundry, storage & bonus rm w/etched cement floor. Oil monitor & newer Blaze King stove. Fresh paint & BA w/rustic blue pine walls. Lg deck, carport & shed. \$145,000 RMLS#17158001</p> <p>#3184RR PRIVATE GATED YEAR-ROUND RETREAT OR REC HIDEAWAY! Comfortable 3BD/2BA 1652+/- MH on 7.4+/- acs behind locked gate w/374+/- ft Unity Reservoir frontage & great views. Enjoy hunting, fishing, ATVs, boating, winter activities out your door. Outbldgs & guest trlr. Above-ground pool. \$249,900 RMLS# 16696248</p> <p>#3221R CUTE 2BD/1BA 1948 STARTER HOME. Owner carry so here's your chance to get into your own home without bank loan. 768 +/- SF hm w/1-car gar. Range & fridge incl. FA elec heat. Close to shopping, restaurants & more. Call for terms. \$78,500 RMLS#17596383</p> <p>#3148C [NEW PRICE] WORK FROM HOME W/THIS GREAT MAIN STREET LOC ON HWY 26. 3BA/1BA 1040 +/- SF on Canyon Cr close to downtown John Day & City Pk. Attached remodel 2594 +/- SF comm space w/2 woodstoves & monitor oil stove & rest room. \$134,000! RMLS# 16606400</p> <p>#3202RR 1ST TIME ON MARKET! OFF GRID. Want privacy & a getaway from rat race? 5BD/2BA 3000 +/- SF log hm/full basement, cov deck, solar & good gravity flow spring. 10X40 shop & solar facility, sm guest cabin w/loft. 80 +/- timbered acs borders NF. One-owner. \$375,000 RMLS#16092175</p>	<p>FEATURED HOME!</p>  <p>#3120RR SECLUDED HOME IN PINES. Cedar-sided 2BD/1BA w/lg lower cov deck & beautiful staircase to fenced yard plus cov decks on 2 sides of upper level. Shop w/lean to & 2 sheds. Manicured grounds, lots of prkg, wildlife, privacy. Pride of ownership. \$275,000 RMLS#15452905</p>
---	--	--

See our listings at: www.eastoregonrealty.net • www.eastoregonrealestate.com • www.farmseller.com • www.rmls.com

<p>Duke Warner Realty MEMBERS OF RMLS & MLS www.rmls.com and www.centraloregonrealtors.com Licensed In The State Of Oregon</p>	<p>Dayville John Day Valley Lori Hickerson, Principal Broker, GRI, P.C. • Sally Knowles, Broker, GRI, Babette Larson, Broker, GRI, Office Manager 215 South Fork Road • Dayville, OR 97825 (541) 575-2617 • (541) 932-4493 • (541) 987-2363 To view all of our properties go to: www.eastoregonrealestate.com</p>	
 <p>FAMILY HOME ON 36 ACRES! Daylight basement, 5/2.5 bath, wrap around deck. \$469,000 RMLS #16452348</p>	 <p>SOUTH FORK RANCH! River frontage, 205 ac, 50 irr, 2 story, 3/2.5, LOP tags, office, shop, hay cover, loafing shed, livestock corrals, fenced. \$667,500 RMLS #16466846</p>	 <p>GORGEOUS HOME ON 39 ACRES! Views, 3/2, garage, deer fenced yard, 3 greenhouses, barn w/shop, fenced. \$399,500 RMLS #17144491</p>
<p>"Your Professional Real Estate Choice in Grant County." Please give us a call for additional listing information.</p>		