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Divorce and Your Home

A calm guide to the one asset that cannot be split in half

Written for homeowners in Bowie, Upper Marlboro, Glenn Dale, Mitchellville and across Prince George's County. What the house is really worth, what the loan actually requires, the three paths available to you, and the order to do things in. No pressure, no listing appointment attached.

Questions on any page of this guide?

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START HERE

There are only three real paths for the house

Every conversation about a marital home in Maryland eventually lands on one of these three. Naming yours early saves months of expensive back-and-forth.

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1. One of you keeps it

This requires two separate things that people constantly confuse: removing the other person from the deed, and removing them from the loan. A quitclaim deed handles the deed. Only a refinance or a qualifying loan assumption removes someone from the mortgage. Ask the keeping spouse to get pre-approved on their income alone before this path is written into anything.

2. You sell and divide the proceeds

The cleanest financial exit and, in most cases, the one that produces the largest number for both sides. It requires agreement on price, on who prepares the home, on who pays for that preparation, and on which agent represents the sale.

3. You co-own for a defined window

Common when minor children are in school. It works only when the agreement is written with specifics: who pays the mortgage, who pays repairs, what triggers the sale, and how the eventual proceeds are split. A vague version of this path is where most post-divorce litigation comes from.

What Maryland considers

Maryland is an equitable distribution state, not a community property state. A court divides marital property fairly, which is not automatically fifty-fifty. Timing, contributions, custody and the length of the marriage all matter. Your attorney decides the legal answer. My job is to make sure the real estate number underneath that answer is accurate.

BEFORE ANY DECISION

Eight questions worth answering first

You cannot negotiate a house you have not measured. These are the eight things that turn a guess into a position you can defend.

1. **What is the house worth today?**
   In this market, in its current condition. Not the website estimate, and not what the neighbor got in 2022.
2. **What is actually owed?**
   Pull a payoff quote from the servicer, not a statement balance. Include any HELOC, judgment, or lien.
3. **What is the rate on the current loan, and is it assumable?**
   FHA, VA and USDA loans often are. On a low-rate loan this single question can be worth six figures over time.
4. **Could either of you qualify on one income?**
   Ask a lender before anyone promises to keep the house. This is the promise that most often falls apart later.
5. **Are there minor children, and does the school calendar belong in the timeline?**
   Sometimes it does. Sometimes it is being used as an argument rather than a schedule.
6. **Who has been paying the mortgage since you separated, and is it documented?**
   Documented contributions matter later. Undocumented ones become someone’s word against someone else’s.
7. **What would the house need to sell well, and who pays for that work?**
   Decide this while you are still speaking, not the week before listing.
8. **Whose timeline are you actually on?**
   The court’s, the school’s, or the market’s. They are rarely the same, and only one of them affects your price.

FIRST MOVES

What to do first, in order

- Get a real number on the house. Not a website estimate. A walk-through and a written opinion of value based on what has actually closed nearby. Quiet, no sign, no obligation, and something your attorney can put in front of the other side.
- Pull the mortgage payoff. Request the payoff quote from the servicer and ask whether the loan is assumable. Two phone calls that can change an entire settlement.
- Keep the payments current if you possibly can. A divorce does not pause a mortgage. Late payments during a separation damage both of you, and they damage the person who eventually wants to refinance the most.
- Tell your attorney what the house can realistically do. Attorneys negotiate better with real numbers. Give them the value, the payoff, the net sheet, and the rate.
- Agree, in writing, on who talks to the agent. One point of contact, or both of you copied on everything. Ambiguity here costs money and it costs weeks.

What a divorce decree does not do

- It does not remove anyone from a mortgage. Only a refinance, an assumption, or a payoff does that. A decree that says one spouse is responsible does not tell the lender anything.
- It does not transfer title by itself in every case. Recording the deed is a separate step, and it gets missed more often than you would think.
- It does not protect the other spouse's credit. If the loan stays joint, a late payment reports on both credit files no matter what the decree says.
- It does not set a sale price. If the order says sell, the market still decides the number.

WHEN YOU ARE NOT ON THE SAME PAGE

Selling when you no longer agree

This is normal, and it is workable. What it requires is structure: separate showing feedback, written updates to both parties on the same day, all offers presented to both sides in the same email, and one clear rule about who signs first. I do not carry messages between you and I do not take sides. I keep the transaction moving.

Free help in Maryland

- Maryland Court Help Center - free legal information, (410) 260-1392, mdcourts.gov/helpcenter
- Prince George’s County Circuit Court Family Law Self-Help Center - Upper Marlboro
- Maryland Volunteer Lawyers Service - income-qualified free representation
- HUD-approved housing counseling - free budget and mortgage guidance

THE NEXT STEP IS SMALL

Let us start with just the house.

A quiet valuation and a payoff review. No listing agreement, no pressure, nothing that shows up anywhere. Call or text (301) 237-0445.