

## Guide To Prices – Separation agreements, consent orders and declarations of trust. Fixed fees will be confirmed when services are engaged.

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All agreements (whether they be consent orders, deeds of trust or separation agreements) are not the same.

Some people have fewer assets or more straightforward personal circumstances than others.

And those people expect to pay less for a more straightforward agreement to be drafted, just as someone with a smaller property would expect to pay less for their house insurance.

A standard financial agreement will contain a little information about the background to the agreement. That is likely to include what was taken into account as you reached the compromise – whether that was at mediation or in discussions, texts or emails passing between you.

This will then generally be followed by the actual terms of agreement.

The format of the document and how the information is recorded varies according to the specific type of document that is right for your circumstances. Scroll down to find out more about consent orders, separation agreements and declarations of trust.

Guide prices will be found at the end of each section.

### **Consent orders**

In a consent order, the background information is usually entered into the section known as the “recitals”.

Then there is the “order” itself. A very common order will be for some action to be taken over the family home. For example:

- a. You may have decided to sell it and divide the proceeds. This will be recorded as an order for sale.
- b. Or you may have decided to transfer it to one person and there may be a lump sum payment being paid to the other owner in return. This is recorded as a property adjustment order and a lump sum order.
- c. Or, if you cannot alter the mortgage for some reason, you may have decided to leave it in joint names for now and sell it at some point in the future. This is recorded as a mesher order. This is a type of declaration of trust.

Other types of **orders** made by agreement are:

- a. An order for a free standing payment of a lump sum of money, often where the house is already owned in one person's name or has been sold and the money from the sale is in a bank account.
- b. An order for one person to pay maintenance to the other for themselves or for a child (or both) and
- c. An order to share a pension.

My **standard consent order** fee of £180 includes the background recitals and up to 2 bespoke separate order clauses. So that would cover a transfer of property and a lump sum for example. The majority of consent orders will contain only two bespoke order clauses. All standard clean break clauses are also included, where appropriate in the £180 fee as are the D81 and form A application for a consent order.

So when might a consent order cost more than £180? Well, if you have a more detailed agreement for example.

If you need more than two order clauses, such as two orders for sale of property and maintenance as well then the additional clauses will be charged separately at £90 per clause.

In relation to pension sharing orders, there is a separate document known as a pension sharing annex which needs to be approved by the pension provider before the consent order can be sent to the court. There is a separate charge for this. Therefore, if you need a pension sharing order which contains only one clause and costs £180 you will need to have the annex approved which will bring the total cost of the order to £270.

When you have a mortgage it may be necessary to send the mortgage lender a copy of the application for a consent order before you can submit it to the court for approval.

There is a charge of £18 to provide the lender with the relevant notice and documentation.

<b>Item</b>	<b>£</b>
<p><b>Standard clean break consent order</b></p> <p>Includes: Background recitals and up to any combination of 2 of the following clauses: property transfer order; property order for sale; spousal maintenance order; child maintenance order; lump sum order; pension sharing order.</p>	£180.00
<p><b>Additional/special clauses - per clause</b></p> <p>Includes: any of the following: mesher order property transfer order; property order for sale;</p>	£90.00

spousal maintenance order;  
child maintenance order;  
lump sum order;  
pension sharing order.

**Pension sharing annex approval** (per annex) £90.00

**Notice to lender** £18.00

Payable if you require a transfer of property order to be served on a mortgage lender.

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## Separation agreements

Separation agreements are used often when people are not ready to divorce. They may be waiting for two years separation to expire. They may be going to divorce sooner than that but have an urgent need to record a financial transaction beforehand, such as the division of proceeds of sale on the imminent completion of the sale of the family home.

Separation agreements are similarly charged according to the complexity of the agreement reached.

There is a more detailed background section usually, than in a consent order. This is because there is no separate form containing this information.

When you file a consent order at court following a divorce, you will also need to file a form known as a D81 statement of information for a consent order. This contains basic information about your finances and where you are going to live etc.

There is no such form with a separation agreement and so this detail is generally inserted into the separation agreement itself to show that it has been considered when coming to the agreement.

This will usually help you if, further down the line, the other party changes his/her mind about the terms of the agreement and there is a dispute about what was taken into account.

<b>Item</b>	<b>£</b>
<b>Separation Agreement</b> Includes: Background recitals and up to any combination of 2 of the following clauses: property transfer agreement; property agreement for sale; spousal maintenance agreement; child maintenance agreement; lump sum agreement;	180.00
<b>Additional/special clauses - per clause</b> Includes:	90.00

any of the following:  
mesher type agreement;  
property transfer agreement;  
property agreement for sale;  
spousal maintenance agreement;  
child maintenance agreement;  
lump sum agreement

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## Declarations of trust

Declarations of trust are used for a variety of purposes, including when couples are separating.

They are very useful for recording who is to have a share of the equity in a property when the legal ownership does not show the full picture.

This may be because the house is owned in only one person's (or one couple's) name but there is an agreement that the equity will be shared with someone else as well.

Declarations of trust can also be referred to as deeds of trust but they are the same. When a declaration of trust is included in a consent order it can also be referred to as a "mesher order".

As with consent orders and separation agreements it is usual to record additional details about the purchase together with any agreement over payment of the mortgage, repairs, improvements, bills and so on.

A declaration of trust generally costs £180 but if you have more than one property owned by the same people and require more than one declaration of trust with broadly similar terms, the cost of producing the additional deeds/declarations is discounted.

When you have a deed of trust you usually need to update the land registry. There is an additional fee for completion of this form which is £18. The land registry itself will sometimes also make a charge of £40. In some cases the land registry does not charge a fee.

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<b>Item</b>	<b>£</b>
<b>Declaration of Trust</b> (one property)	180.00
<b>Additional Declaration of Trust</b> (per additional property) Only where the additional properties have the same legal owner/s and the same beneficial owner/s.	90.00
<b>Notice of restriction to land registry</b> Payable where there is a mesher order/declaration of trust and the property is owned as joint tenants.	18.00

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All services not appearing on the guides above are chargeable at standard hourly rates (£180 per hour). Correspondence is priced on request. Consultations are charged as follows:

**Consultations**

**£90**

First half hour  
Or any part of the first half hour

Per 5 minutes after the first half hour

£15

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All charges include any VAT applicable from time to time unless specifically stated otherwise.

This price guide is for guidance only and must be read in conjunction with my general terms of service and letter of engagement. It does not constitute an offer to supply the legal services referred to.

For assistance determining which service/s you will need to contact me and complete a questionnaire.

I reserve the right to refuse to provide online legal services where I deem them unsuitable, for example if the case is too complex, involves overseas property or the value of the assets involved is too high and may exceed the cover of my standard professional indemnity insurance and require additional premium to be paid. My decision on whether the service is suitable is final.

All fees are accurate at the time they are provided to you but are subject to change and review over time. Please check that the prices are current before asking me to commence any work on your behalf.

Note a fee is payable to the court for consideration of a consent order which is currently £50.

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