A frequent question about inheriting real estate in China

Description

When it comes to inheriting real estate in China, things often get more complicated than inheritance of personal property such as bank deposits.

For example, in the current inheritance matter I am handling on behalf of an American client, there are four heirs that are entitled to take a share of the estate property. The parties are in dispute regarding what share each party should have in the property, an avoidable dispute arising from an ill-drafted will.

Now given that the parties are hostile between each other, the parties wish to sell the property and distribute property sale proceeds so as to avoid the joint ownership in the property that would be awkward for all. However, due to the dispute, such good wish often cannot come true. In this catch-22 situation, the parties often hope that the court will help to sell the property and then get the sale proceeds distributed to all heirs.

So will the court do such a favor to parties to inheritance dispute?

The answer is clear. Courts don’t do this. In such situation, the court will just rule that the parties will co-own the property in such shares as court find legal and fair between the parties.

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