
SELLING DURING OR AFTER DIVORCE

A Guide to Protecting Your Interests and Moving Forward

You Don't Have to Navigate This Alone

Divorce is one of the most emotionally and financially complex experiences a person can go through — and when a home is involved, the stakes are even higher. Whether you are in the middle of the process or the divorce has already been finalized, selling your home requires careful coordination, clear communication, and the right professional guidance.

This guide is designed to walk you through everything you need to know about selling a home during or after a divorce in the DC, Maryland, and Virginia market. My goal is to protect your financial interests, reduce stress, and help you move forward with confidence.

"My role is not to take sides. My role is to get the home sold — fairly, efficiently, and at the best possible price — so both parties can close this chapter and move on."

Your Options as Divorcing Homeowners

When a couple divorces and a home is involved, there are typically three paths forward. Understanding your options is the first step to making the right decision.

Option 1 — Sell the Home and Split the Proceeds

This is the most common outcome. Both parties agree to list and sell the home, and the net proceeds are divided according to the divorce agreement or court order. This option provides a clean financial break for both parties.

Option 2 — One Spouse Buys Out the Other

One party keeps the home by refinancing the mortgage into their name and paying the other spouse their share of the equity. This requires the buying spouse to qualify for a new loan independently. If they cannot qualify, selling is often the better path.

Option 3 — Defer the Sale

In some cases — often when children are involved — the court may allow one spouse to remain in the home temporarily before it is sold. The sale is deferred until a specific event occurs, such as the youngest child graduating high school. This option has tax and financial implications that should be discussed with your attorney.

Not sure which path is right for you? I am happy to walk you through the financial implications of each option so you can make an informed decision alongside your attorney.

Who Has the Legal Authority to Sell

Before a home can be sold, it is important to understand how the property is titled and what legal authority each party has. This is one of the most common sources of conflict in divorce-related sales — and getting clarity early prevents costly delays.

If Both Names Are on the Title

Both spouses must agree to sell and must sign all documents related to the transaction — the listing agreement, the contract of sale, and all closing documents. If one party refuses to cooperate, the other may need to seek a court order compelling the sale.

If Only One Name Is on the Title

Even if only one spouse is on the title, marital property laws in DC, Maryland, and Virginia may give the other spouse rights to the equity. Your divorce attorney will determine how ownership and proceeds are treated under your specific circumstances.

Court-Ordered Sales

If the parties cannot agree, a family court judge can order the home to be sold. The court may also appoint a commissioner or special master to oversee the sale if communication has broken down completely. In these situations, having an experienced agent who can remain neutral and professional is essential.

The Role of Your Divorce Attorney

Your real estate agent and your divorce attorney play different but complementary roles. Understanding who handles what keeps the process running smoothly and prevents miscommunication.

Your Attorney Handles:

- Determining how the home is classified — marital property, separate property, or mixed
- Negotiating and drafting the terms of how proceeds will be divided
- Advising on any liens, judgments, or encumbrances attached to the property
- Obtaining or enforcing court orders related to the sale
- Reviewing the settlement statement at closing to confirm proceeds are distributed correctly

- Advising on tax implications of the sale in the context of your overall divorce settlement

Your REALTOR® Handles:

- Pricing the home accurately based on current market conditions
- Preparing and marketing the home to attract qualified buyers
- Coordinating showings, offers, and negotiations
- Managing all transaction timelines, inspections, and contingencies
- Communicating with both parties professionally and without bias
- Coordinating with the title company and settlement attorney to ensure a smooth closing

I work alongside your legal team — not in place of them. I strongly recommend that both parties retain independent legal counsel before listing the home.

Why a Neutral Agent Matters

One of the most important decisions divorcing homeowners make is who will represent them in the sale. Choosing an agent who was "your" agent or "their" agent — or one who is a friend of one party — can create unnecessary tension and undermine trust in the process.

As a neutral third party, I represent the transaction — not one spouse over the other. My job is to get the home sold at the best possible price with the least amount of conflict, so both parties can walk away with the outcome they deserve.

What to Look for in a Divorce Sale Agent

- Experience handling sensitive, high-stakes transactions
- Strong communication skills and the ability to work with both parties independently if needed
- A professional, non-emotional approach to negotiations
- Familiarity with the DC, Maryland, and Virginia market and its pricing dynamics
- A trusted network of attorneys, settlement companies, and home service professionals

I bring all of these to every divorce-related transaction I handle — with discretion, professionalism, and a genuine commitment to a fair outcome for everyone involved.

Selling During the Divorce Process

Selling while the divorce is still pending adds a layer of complexity — but it is entirely doable with the right approach. Here is what to expect and how to prepare.

Get Agreement in Writing Early

Before listing, both parties should agree in writing on the key terms of the sale — including listing price, acceptable offer price, how decisions will be made, and how proceeds will be held pending the final divorce decree. Your attorneys can help formalize this.

Decide on Living Arrangements

Will one or both spouses remain in the home during the sale? This affects how the home is prepared, scheduled for showings, and maintained. It is important to establish ground rules early — including who is responsible for keeping the home show-ready and who handles utility bills during the listing period.

Keep Communication Professional

During an emotionally charged time, it helps to route all sale-related communication through your agent. I am comfortable working with both parties separately when direct communication is difficult — presenting offers, relaying feedback, and keeping everyone informed without fueling conflict.

Watch Your Timeline

Divorce proceedings have their own timeline — and so does a real estate transaction. The two do not always align naturally. Plan ahead for potential delays caused by court schedules, attorney availability, or disagreements over offers. Flexibility and early planning are key.

Selling After the Divorce Is Finalized

If your divorce decree has already been entered, the path to selling is generally more straightforward — but there are still important details to address before going to market.

Review Your Divorce Decree

Your divorce decree likely outlines specific terms for the sale — including deadlines, how proceeds will be divided, who is responsible for carrying costs until closing, and what happens if the home does not sell within a certain timeframe. Share relevant sections with your agent so we can plan accordingly.

Update the Title if Necessary

If the decree transferred ownership to one party, make sure the deed has been updated to reflect that before listing. Attempting to sell with an outdated title can cause significant delays at closing. Your settlement attorney or title company can confirm the title is clear.

Address Any Remaining Financial Obligations

Outstanding liens, judgments, deferred maintenance, or missed mortgage payments can all affect the sale. It is better to surface these issues early than to have them derail a contract at the last minute. I will review the property history with you as part of our pre-listing process.

If One Party Is Uncooperative

Even after a divorce is finalized, disputes can arise. If the decree orders a sale and one party refuses to sign documents or cooperate, your attorney can return to court to enforce the order. In some cases, a court may authorize one party to sign on behalf of both.

Preparing the Home for Sale

Regardless of the circumstances, buyers do not know — and do not need to know — that a home is being sold due to divorce. A well-prepared, well-priced home attracts strong offers. Here is how to put your best foot forward.

Declutter and Depersonalize

Remove personal items, family photos, and anything that signals a rushed or distressed sale. Buyers should be able to visualize themselves in the space — not piece together the sellers' personal history.

Address Deferred Maintenance

Homes that have been under-maintained during a separation period can show it. A pre-listing walkthrough will identify any repairs or improvements worth making before going active. Small investments in condition almost always yield a higher return at closing.

Stage to Sell

Staging does not have to be expensive — strategic furniture placement, fresh paint, and clean, neutral presentation go a long way. My background in interior design means I can advise on what will make the biggest impact for your specific home and price point.

Protect Your Privacy

While the home is listed, secure any personal documents, financial records, and valuables. Mail, calendars, and personal correspondence should be stored out of sight during the showing period.

Pricing Strategy — Getting It Right the First Time

Pricing is critical in any sale — but in a divorce situation, it carries extra weight. An overpriced home sits on the market, creating tension between parties and weakening your negotiating position. An underpriced home leaves money on the table that both parties deserve.

The Right Price Is Based on Data — Not Emotion

I will prepare a detailed Comparative Market Analysis (CMA) using recent sales, current competition, and market trends specific to your neighborhood. The goal is to price the home where it will attract strong, competitive offers quickly — while maximizing your net proceeds.

Both Parties Must Agree on Pricing

If the parties cannot agree on a listing price, a professional appraisal can provide an objective third-party value. Courts sometimes require an appraisal in contested divorce sales. I can refer you to licensed appraisers in the DMV if needed.

Price Reductions

If the home does not sell within a reasonable timeframe, both parties will need to agree on a price adjustment. Establishing this protocol in advance — before emotions are running high over a stale listing — makes the process much smoother.

Dividing the Proceeds

The net proceeds of the sale — what remains after paying off the mortgage, closing costs, and any outstanding liens — are distributed according to the terms of the divorce agreement or court order.

What Comes Out Before the Split

- Mortgage payoff balance
- Real estate commissions
- Transfer and recordation taxes
- Outstanding liens or judgments against the property
- Any agreed-upon repairs or credits given to the buyer
- Settlement fees and title charges

How Proceeds Are Distributed

In most cases, the title company or settlement attorney will issue separate checks to each party at closing based on the split specified in the divorce decree. Make sure your attorney has provided the settlement company with the exact distribution instructions well before closing day.

If Equity Is Negative

If the home is underwater — meaning more is owed than the home is worth — both parties may need to bring funds to the table at closing, or pursue a short sale. A short sale requires lender approval and has specific financial and credit implications. I have experience guiding clients through this process as well.

Tax Considerations — What You Should Know

Please consult a licensed CPA or tax advisor for advice specific to your situation. The information below is general in nature and is provided for educational purposes only.

Capital Gains Exclusion

Under current IRS rules, married couples filing jointly may exclude up to \$500,000 in capital gains from the sale of a primary residence — provided both parties have lived in the home for at least two of the past five years. If you sell after the divorce is final and file as a single taxpayer, the exclusion drops to \$250,000 per person.

Timing Matters

If significant equity is involved, the timing of the sale relative to when the divorce is finalized can have real tax consequences. Selling while still legally married may allow both parties to take advantage of the larger exclusion. This is a conversation worth having with your tax advisor early in the process.

Transfer Incidents

Property transfers between spouses — including buyouts — that occur as part of a divorce settlement are generally not taxable events under current federal law. However, the receiving spouse takes on the original tax basis of the property, which has implications if they later sell.

Divorce Sale Checklist

Before Listing

- Retain independent legal counsel (both parties)
- Confirm how the property is titled and whether updates are needed
- Agree in writing on listing price, decision-making process, and proceeds split
- Determine living arrangements during the listing period
- Complete a pre-listing walkthrough and address deferred maintenance
- Declutter, depersonalize, and stage the home for the market
- Secure valuables, personal documents, and financial records
- Obtain a professional appraisal if parties cannot agree on value

During the Sale

- Route all sale communications through your agent
- Respond to offers promptly — delays cost money
- Review all offers together (or separately through your agent) and agree before countering
- Keep the home show-ready throughout the listing period
- Notify your agent immediately of any court orders or legal developments that may affect the sale

At Closing

- Confirm the settlement company has received distribution instructions from your attorneys
- Bring valid government-issued ID
- Review the settlement statement carefully before signing
- Confirm proceeds are distributed correctly at closing
- Update your address with USPS, financial institutions, and relevant agencies after closing

Frequently Asked Questions

Do we have to tell buyers our home is a divorce sale?

No. You are not required to disclose the reason for selling. Buyers do not need to know — and in most cases, it is better they don't. What matters is that the home is priced well, shows beautifully, and the transaction moves smoothly.

What if my spouse and I can't communicate?

This is more common than you might think. I am experienced in working with parties separately — presenting offers, relaying updates, and facilitating decisions without requiring both of you to be in the same room or on the same call. Your attorneys can also serve as intermediaries when needed.

Can one spouse sign all the documents without the other?

Generally, no — both parties on the title must sign. However, if a court order grants one party signing authority or if a power of attorney is in place, one party may be able to execute documents on behalf of both. Your attorney can advise on whether this applies in your situation.

What if my spouse refuses to allow showings or maintain the home?

If a party is actively obstructing the sale, your attorney can seek court intervention. Courts take interference with a court-ordered or agreed-upon sale seriously. Document any issues that arise and communicate them to your attorney promptly.

How long will the sale take?

In the DMV market, a well-priced, well-prepared home typically goes under contract within 2–4 weeks. The full closing process takes an additional 30–45 days. Your total timeline from listing to close is usually 60–90 days, though divorce-related complications can extend this.

Can I sell the home without my spouse if the mortgage is only in my name?

Not necessarily. Titling and mortgage are separate. Even if the mortgage is in one name, if both names are on the deed, both parties must consent to the sale. Consult your attorney to understand your specific legal position.

A Note From Shawanda

Divorce is hard. Selling a home is hard. Doing both at the same time can feel overwhelming — and I want you to know that I see that.

I approach every divorce-related transaction with the same thing I bring to all my clients: honesty, professionalism, and a genuine commitment to your outcome. I am not here to judge, to take sides, or to add to your stress. I am here to make sure that when this chapter closes, both parties walk away having been treated fairly and having gotten the best possible result from the sale of their home.

If you are navigating this process and need someone you can trust to handle the real estate side with care and discretion — I am here. Let's talk.

Shawanda

— Shawanda T. Robinson, REALTOR® | Shawanda Sold It

About Your REALTOR®

Shawanda T. Robinson

Shawanda T. Robinson is a REALTOR® licensed in DC, Maryland, and Virginia with over 10 years of experience and a clear mission — to change lives, solve problems, and raise living standards through real estate.

A skilled negotiator with a background in interior design, she helps sellers maximize their return and ensures every home shows at its absolute best. Her specialties include Probate — guiding families through estate sales with care and patience — and Military Relocation, proudly serving veterans, active-duty personnel, and corporate transferees moving through the DMV as a Military Relocation Professional (MRP) with RLAH @properties.

Known for genuine connections and exceptional service, Shawanda doesn't stop until your real estate goals become reality.

Creating Opportunities. Offering Solutions. Building Your Future.

Shawanda Robinson | REALTOR® | Probate & Relocation Specialist

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DMV's Go-To REALTOR® — Your Move Starts Here 🗝️💰