

A FREE GUIDE FROM NELSON HOME GROUP

# Selling a Home During a Divorce in Kansas City

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Wherever you are — just considering it, mid-divorce, or already finalized — here's how the house actually works, in plain language, so you know where to start.

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**Joe Nelson • Nelson Home Group**

REALTOR® (MO & KS) & Licensed Mortgage Originator | Team licensed to lend in nearly all 50 states  
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## First, a breath.

Maybe you've just started thinking about divorce. Maybe the papers are already filed. Either way, the house is probably one of the biggest question marks — and nobody hands you a manual.

Here's the first thing to know: you may not even have to sell. Depending on your situation, the right move might be selling, refinancing so one of you keeps the home, or simply waiting. The hardest part usually isn't the market. It's the **timing**, the **paperwork**, and the quiet sense that everyone at the table has an angle. A real estate agent makes money when you sell. A loan officer makes money when you refinance. So whose advice can you actually trust?

We wrote this guide to give you a straight answer with no agenda — the same plain-language version we'd give a friend anywhere across the Kansas City metro, on either side of the state line. There's no one-size-fits-all answer here, and every situation is genuinely different. But by the end you'll know where you stand and exactly what to ask.

### What's inside

- Where you are in the process — and why it changes everything
- Your three options: sell, refinance and buy out, or wait
- Selling before the divorce is final — and how to do it safely
- How the money really splits: equalization payments and the quitclaim trap
- A checklist and 12 plain-English answers to the questions we hear most

### PLEASE READ

**This guide is general information, not legal or tax advice.** Nelson Home Group is not a law firm or a tax advisor. Every divorce is different — **work with your attorney and a tax professional** on the specifics of your situation.

## Where you are in the divorce changes everything

**Short answer:** The right move for your home depends heavily on where you are in the process — just considering it, recently filed, agreed and awaiting the judge, or already final. Each stage opens or closes different options, so pinpoint yours before deciding anything.

### JUST CONSIDERING IT **Nothing is locked yet**

You haven't filed, and you don't have to decide anything today. The smartest first step is simply information: know what the home is worth and what you owe, so every later decision starts from real numbers instead of fear. No pressure, no commitment.

### RECENTLY FILED **Now timing and your attorney matter**

Once a case is open, coordinate with your attorney before you do anything with the home. Ask whether any temporary court orders affect it, and whether you're allowed to list now. A lot can be set up quietly in this window so you're ready to move when the time is right.

### AGREED, AWAITING THE JUDGE **You can often sell before it's final**

If you've already agreed on how to handle the home and you're just waiting on the judge's signature, you can frequently list — and even go under contract — before the divorce is officially final. We've handled deals that were listed before the decree and finalized by the time we reached the closing table.

### DIVORCE FINAL **The decree controls the path**

Once it's final, the split is already decided and the path is usually cleaner. Now it's about executing the sale or the refinance correctly, in line with what the decree says.

Not sure which one you're in? That's normal. Tell us where you are and we'll tell you what actually applies to you.

## Your 3 options: sell, refinance, or wait

**Short answer:** In a divorce you generally have three options for the home — sell it and split the proceeds, refinance so one spouse buys out the other, or wait and sell later. None is automatically right; the best one depends on your equity, the numbers, and what each of you wants next.

### 1 Sell the home and split the proceeds

**How it works:** You list the home, sell it, pay off the mortgage and costs, and divide what's left according to your decree. The cleanest, most common path to a true fresh start.

**When it makes sense:** Neither of you wants to keep the home, or keeping it isn't affordable on one income.

**Watch out for:** Timing the sale around the legal process, and pricing it right so there's more to divide and less to argue about.

### 2 Refinance and buy out your spouse

**How it works:** One spouse refinances the mortgage into their own name and uses the new loan (and/or other assets) to pay the other their share of the equity.

**When it makes sense:** One of you wants to stay, and that person can qualify for the new loan on their own income.

**Watch out for:** Whether the numbers and the loan actually qualify on one income — and the mortgage trap a few pages from now.

### 3 Wait — co-own or defer the sale

**How it works:** You agree to keep the home for now, sometimes with one spouse and the children living there for a set period, then sell later and split the proceeds.

**When it makes sense:** Stability for kids matters most right now, or the market or your finances make waiting smarter.

**Watch out for:** Spelling out who pays the mortgage, taxes, and upkeep — including how you'll split a sudden big-ticket repair like an HVAC or roof — and who carries the market risk.

## Can you sell the house before the divorce is final?

**Short answer:** Yes — in Missouri and Kansas you can usually sell before the divorce is final if both spouses agree (and sometimes with the court's sign-off). But the net proceeds are held in an attorney's trust or escrow account until the decree spells out how to divide them, so get the split in writing first.

### The proceeds get held, not split at the table

When you sell before the decree is entered, the net proceeds usually don't get divided at closing. They're held in an attorney's trust account or escrow until the divorce is final and the decree spells out exactly how to divide them. That keeps the money safe and stops either side from spending it first.

### Get the split in writing first — always

Before we'd ever list a home this way, the agreement on how proceeds get divided needs to be **in writing and signed by both spouses and their attorneys**. This isn't a formality. It's the thing that protects everyone.

#### THE TRAP TO AVOID

Here's how it goes wrong. A couple starts out amicable and agrees to split 50/50. Then you're sitting at the closing table and one of them suddenly demands a bigger share — or refuses to sign. Now the entire sale is held hostage at the worst possible moment, with a buyer waiting and movers booked. That's why we, and any good attorney, won't do this on a handshake. The signed agreement up front is what keeps a friendly deal from blowing up at the finish line.

### “Equitable” does not mean 50/50

Missouri and Kansas are both **equitable-distribution** states. Courts divide marital property in a way that's *fair* under the circumstances, which often isn't an even split. (In Kansas, a court can even consider property owned before the marriage.) The house is usually the largest asset on the table, so how and when it sells carries real weight.

## How the money is split when you sell during a divorce

**Short answer:** When you sell, the mortgage payoff, any liens, and selling costs come out first. The remaining net proceeds are divided according to your divorce decree — and that split may include an equalization payment that the title company pays straight off the top at closing.

This is exactly why an accurate, well-marketed sale price matters so much in a divorce: a clean number keeps the math simple and gives both sides far less to fight about.

### Equalization payments — the part people miss

Even when you agree to split “50/50,” one spouse may still owe the other an **equalization payment** — a balancing amount that makes the overall division fair once everything else is accounted for. When the decree calls for one, the **title company pays it out at closing**, straight off the top. They don’t have a choice; they follow the order. The same is true on a refinance buyout: the spouse keeping the home refinances, and the title company funds the other spouse’s share at closing, based on the signed decree or agreement.

### TAX TIMING WORTH A CONVERSATION

When you sell your primary residence, federal law lets you exclude up to **\$250,000** of gain if you file single, or **\$500,000** if you’re married filing jointly (you generally must have owned and lived in it 2 of the last 5 years). Whether you close *before* or *after* the divorce is final can change which exclusion you get — potentially a five- or six-figure difference. And if a decree gives one spouse the right to live in the home, the spouse who moved out can often still count that time toward the residency test. Ask your tax professional before you set the timeline.

## The quitclaim deed mortgage trap

**Short answer:** A quitclaim deed only changes who is on the *title* — it does *not* remove anyone from the mortgage. The only ways to truly come off the loan are a refinance or a lender-approved loan assumption.

### WHY THIS MATTERS SO MUCH

If your name is still on the mortgage, you're still 100% on the hook for that debt — even if your ex lives there and a deed says it's "theirs." It still counts against you when you try to buy or rent next, and one missed payment by them hits *your* credit. Get this wrong and it can quietly wreck your next move.

With today's higher rates, a **loan assumption** can be worth real money: it may let the staying spouse keep the home's existing lower interest rate instead of refinancing into a higher one. Not every loan is assumable, so it's worth asking early — exactly the kind of thing a dual-licensed pro can check for you.

### A simple buyout example

Say the home is worth **\$325,000** and you owe **\$175,000**.

- Equity =  $\$325,000 - \$175,000 = \$150,000$
- A 50/50 split = **\$75,000** to each spouse
- To keep the home, the staying spouse refinances and pays the other roughly **\$75,000** for their share — and the refinance removes the leaving spouse from the loan.

Simplified for illustration. Your split follows your decree, and closing costs and rates affect the real numbers.

## Your “before you make a move” checklist

You don't have to do all of this at once. But running down this list early keeps you in control instead of reacting under pressure.

- Get a current value.** Ask for an honest market analysis (a CMA) so every decision starts from a real number, not a guess.
- Find your mortgage payoff.** Know what you actually owe today — it drives the equity math.
- Ask your attorney about timing and signatures.** Confirm when you can list, when you can close, and who has to sign.
- Ask about any temporary court orders.** Some divorces include orders that freeze assets — make sure nothing would block a sale before you list.
- If selling before it's final, get the split in writing first.** Both spouses and attorneys signed off, and confirm where the proceeds will be held.
- Talk to a tax professional.** Especially about the capital-gains timing and any equalization payment.
- Pressure-test the buyout.** If someone wants to keep the home, check whether they qualify on one income *before* counting on it.
- Line up repairs and prep early.** So you're ready to launch the day you're cleared.
- Don't move out blindly.** Understand how leaving could affect the sale, the loan, and your rights first.
- Talk to a dual-licensed pro.** Compare sell vs. refinance side by side, from someone with no reason to push you either way.

Don't want to navigate this alone? Get a straight answer about your specific situation — no pressure, no pitch.

**Call (816) 680-6624**

## Divorce home sale FAQ

### Can you sell a house during a divorce in Missouri?

Often yes, but timing is everything. In Missouri the sale frequently needs to wait until the divorce is final, unless both spouses agree to cooperate through the process. We coordinate directly with your attorney so your listing timeline and your legal timeline work together.

### Do both spouses have to agree to sell the house?

If you both own the home, both of you generally have to sign to sell it. If you can't agree, a court can order the sale and decide how the proceeds are divided. Getting on the same page early is faster, cheaper, and far less stressful than letting a judge decide for you.

### Can I be forced to sell my house in a divorce?

Yes. If the spouses can't agree on what happens to the home, a court can order it sold and the net proceeds divided as part of the settlement. That's one more reason to reach a written agreement before it gets to that point.

### Should we sell the house before or after the divorce is final?

It depends. Selling before the decree can keep things moving and, in some cases, preserve a larger capital-gains exclusion — but it requires a signed agreement and proceeds held in escrow. Selling after is cleaner because the decree already dictates the split. We'll walk you through which fits your situation.

### What happens to the sale proceeds if we sell before it's final?

The net proceeds are typically held in an attorney's trust account or escrow until the divorce is finalized and the decree says how to divide them. Neither spouse can spend the money until that order is in place.

### Who gets the house in a Missouri divorce?

Missouri is an equitable-distribution state, so marital property is divided fairly rather than automatically 50/50, and if the spouses can't agree, the court decides. The house is usually the largest marital asset, so how and when it sells carries real weight. (Kansas follows equitable distribution too.)

### How is the money split when you sell during a divorce?

After the mortgage, any liens, and selling costs are paid, the remaining proceeds are divided according to your divorce decree or settlement agreement. A clean, accurate sale price keeps that math simple and gives both sides less to argue about.

### What is an equalization payment?

It's a balancing payment from one spouse to the other to make the overall property division fair. Even on a "50/50" deal, if the decree calls for an equalization payment, the title company pays it out at closing per the order — on a sale or a refinance buyout alike.

### **Should I sell the house or refinance to buy out my spouse?**

That depends on your equity, the current rate environment, and what each of you wants going forward. Joe Nelson is a licensed Realtor in Missouri and Kansas and a licensed mortgage originator, and the Nelson Home Group team is licensed to handle mortgages in nearly all 50 states — so we can compare selling, refinancing to buy out a spouse, or waiting, with no agenda pulling you one way.

### **Does a quitclaim deed remove me from the mortgage?**

No. A quitclaim deed only changes who is on the title; it does nothing to the loan. The only ways to truly come off the mortgage are a refinance or a lender-approved loan assumption. Until then, your name on the loan means you're still responsible for the debt.

### **How fast are homes selling in the Kansas City metro?**

It varies by price point and how the home shows, but a well-prepared, well-priced home still moves quickly here — we recently sold a home in just 10 days. We track the market closely on both the Missouri and Kansas sides of the metro and prep every listing to sell.

### **How do I choose a Realtor for a divorce sale in Kansas City?**

Look for a team that has handled divorce sales before, coordinates directly with attorneys, and will tell you the truth about price and timing instead of what you want to hear. That's exactly where Nelson Home Group, the highest-rated real estate team on Google in the Kansas City Metro, earns its reputation.

## A straight answer, no agenda

Most people in your shoes get advice from someone who only profits one way. That's what makes this so stressful — you can't tell whether you're hearing the truth or a sales pitch.

Here's why we can help differently: **Joe Nelson is a licensed Realtor in Missouri and Kansas and a licensed mortgage originator**, and the Nelson Home Group team is licensed to handle mortgages in nearly all 50 states. That means we can lay all three options on the table — sell, refinance and buy out, or wait — and tell you which one actually fits your numbers, with no reason to steer you. A 21-year Air Force veteran leading the highest-rated real estate team on Google in the Kansas City Metro, Joe and the team have walked people through this before.

*"For a seller navigating one of life's hardest transitions, our job was to handle the timing and the pressure so she didn't have to."*

There's no one-size-fits-all answer to any of this, and every situation is unique. The fastest way to know what applies to you is a short conversation — no pressure, no pitch.

### Wherever you are in the process, let's talk.

Call for a straight, no-pressure conversation about your options.

**(816) 680-6624**

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