# IN THE FAMILY COURT SITTING AT BRISTOL

# CASE NO.RS16D0001

**Samantha Jones -AND- John Jones**

**HUSBAND’S BARRISTER’S NOTE FOR**

 **FINANCIAL DISPUTE RESOLUTION HEARING**

|  |  |
| --- | --- |
| **Date** | **Event** |
|  |  |
| 27.05.75 | Husband born (44) |
|  |  |
| 30.01.78 | Wife born (42) |
|  |  |
| 2004 | Cohabitation |
|  |  |
| 20.05.07 | Marriage |
|  |  |
| 29.05.08 | Danny born (11)  |
|  |  |
| 30.07.10 | Julie born (9) |
|  |  |
| 20.07.16 | Separation: Marriage 12 years |
|  |  |
| 25.08.16 | Divorce Petition |

# Husband

* Living with his parents in Bridgwater.
* Works as an aircraft engineer for Airbus.
* Has the children on Wednesday nights and also Friday to Sunday every fortnight.

**Wife**

* Living in the family home in Weston-Super-Mare.
* Working in retail part-time.

**Children**

* Living with the Wife in the family home.

**Assets/Liabilities**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Asset | His name | Her name | Joint names | Notes |
|  |  |  |  |  |
| Joint |  |  |  |  |
|  |  |  |  |  |
| 123 Anywhere Road, Weston-Super-Mare |  |  | 213,788 | Value 300,000 Mortgage 80,212 Sale costs 2% **Mortgage £600 p/m** |
|  |  |  |  |  |
| Husband |  |  |  |  |
|  |  |  |  |  |
| HSBC | 2,078 |  |  |  |
| Halifax Isa | 5,670 |  |  |  |
| Car | 1,500 |  |  |  |
| Tesco loan | (25,700) |  |  |  |
|  |  |  |  |  |
| Wife |  |  |  |  |
|  |  |  |  |  |
| Natwest  |  | 502 |  |  |
| Sister loan |  | (10,000) |  |  |
|  |  |  |  |  |
| Pensions |  |  |  |  |
|  |  |  |  |  |
| Armed forces | 210,000 |  |  |  |
| Aviva | 6,500 |  |  |  |
| NEST |  | 1,047 |  |  |
|  |  |  |  |  |

**Income (per month)**

|  |  |  |  |
| --- | --- | --- | --- |
| Payer | Husband | Wife | Notes |
|  |  |  |  |
| Husband |  |  |  |
|  |  |  |  |
| Airbus | 2,804 |  |  |
|  |  |  |  |
| Wife |  |  |  |
|  |  |  |  |
| Child maintenance | (500) | 500 |  |
| B&Q |  | 500 |  |
| Child Benefit |  | 149 |  |
| Universal Credit |  | 800 |  |
|  |  |  |  |
| Total | 2,304 | 1,949 |  |

1. This is a case about a medium length marriage of 12 years from cohabitation to separation.
2. The court’s first consideration will be the children, Danny and Julie. This is a “shared care case”. The Husband has the children for 4 nights out of 14.
3. The case is a “needs case”, that is one where the court will have to try and get the resources to stretch to cover two households in a fair way.
4. The Wife says a fair solution would be:
* She should be allowed to stay in the family home. She points out how stressful the divorce has been for the children and how settled they are in the house.
* The Wife says because of the Husband’s behaviour, he should have no share of the money in the family home.
* In relation to pensions, the Wife says that although the Husband built up a lot of it before their relationship, she will not be able to build pension like the Husband and she should have a full half share.
* The Wife says that she cannot afford the mortgage on her own and the Husband should pay her maintenance of £750 per month on top of the child maintenance.
1. The Husband says a fair solution would be:
* Sell the house. Give the Wife £130,000 and him £83,000.
* The Husband says the Wife could then buy a 3 bedroom house in Weston for £185,000 using her mortgage raising ability of £55,000.
* The Husband could buy a similar property but with a larger mortgage.
* The Husband points out that the family home was bought using a deposit of £100,000 which came from an inheritance he received in 2008. He says in view of this she should be allowed to keep the money in the family home.
* Because the Wife is receiving more from the house and because of his debts and because of when his pension was built up there should be no pension sharing.
* The Husband is happy to pay child maintenance but says spousal maintenance would not be fair.

David Chidgey, Albion Chambers, 2020