

Finance and property disputes

Following the breakdown of a relationship disputes can arise in relation to how property and other assets are going to be divided. This can be a very distressing time and is often more complex than the divorce itself.

It is crucial that you have good quality legal advice to assist you through the process of resolving financial disputes whatever approach you wish to take. We recognise that each case is different and as experienced family law solicitors we can advise you on the options that are available to you and tailor our service to meet your individual needs.

What are your options?

You may wish to proceed with the traditional approach of instructing us as solicitors to act firmly on your behalf to help you achieve the best possible settlement based upon your individual circumstances. We can provide you with advice and assistance from the beginning to the end of the process or you may wish for us to assist you through part of the process and deal with part of it yourself.

Alternatively you may wish to consider other options such as trying to resolve matters through mediation or the collaborative law process. In accordance with the Family Procedure Rules 2010, before you can issue a Court application you must first of all attend a mediation Information and Assessment Meeting (MIAMS).

The Court process

The factors that the Court should take into account when dealing with finances associated with your marriage are set out in section 25 of the Matrimonial Cause Act 1973. These include:

- ▶ The length of time that you have been married (including any pre-marriage cohabitation)
- ▶ Your ages
- ▶ Your respective contributions to the welfare of the family which are broadly assessed to be equal except in certain circumstances
- ▶ Capital and income resources
- ▶ Your respective financial needs and obligations
- ▶ Loss of benefits under pensions
- ▶ Conduct (in extreme circumstances only)
- ▶ Any other relevant circumstances

The starting point for financial division is a 50:50 split. However, the Court has a wide discretion and there may be issues to consider such as pre-marital wealth, contributions and inheritance. A 50:50 division is not always appropriate.

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Reaching a financial settlement

If you and your spouse are able to reach an agreement regarding financial arrangements, we can assist you in putting that agreement into a legally binding document, known as a Consent Order.

Financial settlements may be reached through what is known as a “clean break” which terminates any future financial claims which either party may have against the other. In some cases however, ongoing maintenance payments may be appropriate.

We can advise you on the options that are available to you. We tailor our services to meet your individual needs.

Fees

We can offer our clients fixed fee packages or competitive hourly rates depending on your individual needs. Please call us for more information about our charges.

- ▶ Please contact us for more information on 0113 320 5000
- ▶ Email us directly on: family@winstonsolicitors.co.uk