**CV14D00850: FINANCIAL ORDER APPLICATION**

Applicant: Simon Smith

Respondent: Juoyi Chen

**Questionnaire**

2.17 What monthly rental is paid by the lodgers? Are meals and bills included in their rent?

2.5 Are any life policies held in Taiwan?

3.1 Are your income needs going to change? The sentence is incomplete.

3.1.1 and 3.1.2 Are all these figures monthly?

3.1.1 Mortgage is £1250 currently. How will the £1200 repayment figure be achieved?

3.1.1 How was the £59 maintenance figure arrived at?

3.1.1 Water rates are being paid by me. Is the respondent taking these over, and from what date?

3.1.2 Do these figures exclude the amounts I am currently paying for school meals, trips and clubs?

4.3 112 The Chesils was purchased for £265000. £185000 (not £169000) came from the Halifax, £20000 from Ruoxing, and £60000 (plus purchase costs) from savings. Of these savings, £10000 originated from the 1999 sale of the London property, and the rest was jointly accumulated over the course of the marriage. Are these amendments agreed?

**Chronology**

1989 Applicant inherited an amount enabling him to pay off the mortgage on the London property, which was let.

1991 Applicant met Respondent

1994 Applicant and respondent married but lived apart

1997 Respondent joined applicant in UK. Applicant paid respondent’s living costs and tuition fees from letting income.

1999. Owen born. Respondent obtained employment in UK.

?2000/1 Respondent left applicant and rented own accommodation, sharing childcare. Parties were reconciled some weeks/months later.

2002 Respondent returned to Taiwan with Owen. Started working as Recruitment Consultant.

2003 Applicant finished PhD and joined both in Taiwan, starting work there.

2004 Iain born.

?2006 Flat in Taiwan purchased in respondent’s name

?2009 Respondent made redundant. Family income dropped and mortgage payments increased dramatically.

2010 Applicant took job in China and moved there with Owen. Flat sold at a profit.

2011 Respondent and Iain also moved to China. Respondent worked as recruitment consultant.

2012 Whole family moved to Coventry where applicant started work.

April 2013 112 The Chesils purchased

August 2013 separation.

December 2014 decree nisi, March 2015 decree absolute. Applicant continues to pay mortgage in full, as well as statutory child maintenance, phone bills, car insurance, school meals, holidays, school trips and various other costs.

Statement of apparent issues

1. The respondent wishes to remain in the former matrimonial home, in order to let rooms out to lodgers. The applicant believes that such a course is not sustainable, since the income that can be generated (£1000 less expenses, when both spare rooms can be filled) is considerably less than the monthly mortgage payment. The house is too big for the respondent’s needs, and it will be difficult for her to meet the maintenance costs (estimated very conservatively by the respondent at £59 per month).
2. The respondent wishes the house to be transferred into her name at some unspecified point, but this would not be acceptable to the Halifax because she is not working and has no credit score.
3. The applicant is currently paying the mortgage in full, as well as statutory child maintenance and his own rent. He does not have the resources to continue making these payments indefinitely, and therefore wishes for the house to be sold. The respondent would be eligible for a shared ownership scheme with manageable outgoings.
4. The respondent assumes that the money loaned by the applicant to his brother is part of the joint assets. However, the applicant asserts that (i) the origin of this sum of money is the sale of a house on which the applicant had redeemed the mortgage before ever meeting the respondent, and therefore pre-dates the marriage, and (ii) the loan has not been repaid nor any date for repayment given, so it is not available for allocation anyway. How the money would have been used, once repaid, if the marriage had continued is a moot point.