

**In the Royal Court of Jersey**  
**MATRIMONIAL CAUSES DIVISION.**

222/87

In the year 1988, the 26th day of July.

**BEFORE** Peter Douglas Harris, Greffier Substitute.

**Between**

S

*Petitioner*

AND

J

*Respondent*

AND

B

*Co-Respondent*

Referring to the decree nisi pronounced in this cause on the 14th day of January, 1988;

Upon hearing the oral evidence of the petitioner and the respondent and upon hearing the parties through the intermediary of their advocates, it is ordered:-

1. THAT the former matrimonial home, in St. Brelade do, by the 31st day of December, 1988, vest in the sole name of the petitioner on condition that the petitioner do pay to the respondent a lump sum of £20,000;
2. THAT the Ford Escort car be transferred into the name of the respondent immediately;
3. THAT the stamp collection, together with any remaining personal items still in the former matrimonial homes, be transferred to the respondent;
4. THAT the petitioner do pay, or cause to be paid, to the respondent, as from the date of this order, the sum of one pound (£1.00) per annum towards the support of the respondent during their joint lives or until further order.

And it is directed that the further consideration of the costs of the present ancillary proceedings be adjourned sine die.

*P. D. Harris*

Greffier Substitute.

S

v.

J

and

B

The parties were married in 1977, both having been previously married. There are two children issue of the marriage, A aged 8 and C aged 6. Both children are presently in the care of the petitioner and joint legal custody has already been agreed between the parties. Although the matter was not canvassed at the ancillary hearing it is a matter of conjecture as to whether the present arrangements are in the children's best interests. The respondent has indicated her wish to have the care and control of the children if she were suitably placed both from the accommodation and financial angle.

Conduct was at issue in relation to the ancillary matters and as the saga unfurled it became increasingly obvious that the root cause of the breakdown of the marriage was the petitioner's arrogant attitude towards the respondent. This was amply borne out in the manner in which each party gave evidence. I am certain that the respondent's distress in the witness box was caused solely by her having to recount various distressful incidents during the marriage caused by the petitioner's arrogance and apparent total inability to see his own faults, his lack of communication and inability to discuss points of difference between the parties. All these factors contributed to the breakdown of the marriage. The respondent's subsequent adultery was but symptomatic of this treatment which she had received at the hands of the petitioner.

It is clear to me that the respondent, despite her experiences, contributed a great deal to the marriage and as such she is entitled to substantial financial consideration.

The matrimonial home was valued variously at between £110,000 and £125,000; there is a substantial mortgage of some £70,000 charged against the property and therefore the net equity is considerably reduced to a figure between £40,000 and £50,000. These figures must necessarily be tentative in so far as the petitioner, having the care and control of the children and therefore the responsibility of keeping a roof over their heads is unlikely to want to sell the property. That said the respondent's contribution must be adequately recognized.

The petitioner indicated in evidence that up to a point it might be possible to top up the existing mortgages. This he will certainly have to do in order to recompense the respondent for her contribution, both to the house and, more importantly, to the up-bringing of the children. The matrimonial home will vest in the petitioner's name solely on condition that he pays to the respondent a lump sum of £20,000; he will have until 31st December, 1988, to comply with this order.

The parties possessed two cars, neither of which could be described as basic vehicles. The Ford Escort, which the respondent presently runs, is to be transferred into her name immediately, together with the stamp collection and all other personal items which may still be at the matrimonial home.

I am not satisfied that a clean break is appropriate at this stage given the ages of the children and the uncertainty of the relationships which each party has established since the breakdown of the marriage. There will therefore be a nominal order for maintenance for the respondent at the rate of £1.00 per annum.

The matter of the costs of the ancillary proceedings is left over for further address.

