

# When your ex won't pay the mortgage

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**T**here is sometimes a financial crisis when a relationship comes to an end. Maybe one partner has moved out and the other partner is still in the family home with the children and realizes the mortgage or the rent is not being paid. I am a divorce lawyer and family mediator at Hopkin Murray Beskine, and these are the kind of problems that some families face.

In the usual course of a divorce or separation both spouses will give full disclosure of their finances, with paperwork to prove it. This is quite a slow process. This disclosure is used to work out the eventual distribution of the assets of the family on the divorce. It is also used to work out how much maintenance needs to be paid to one party or the other and how much support to the children.

If there is a crisis such as rapidly increasing mortgage arrears, you can apply for immediate maintenance to cover your most immediate needs such as the mortgage, and household bills. A good starting point is to sit down and work out how much you need to run the household for the next 6 months. This is to keep things stable until you have got time to look at the long term financial split.

Clients that I advise can sometimes reach an agreement about immediate maintenance through mediation. This can be used if there is a good level of trust between you and a likelihood that compromise can be achieved. They look though the family budget and try to achieve a situation where they are can in effect pay for and run the basic costs of two homes. Another way to do this is to negotiate through correspondence with solicitors or use the various models of round table meetings to try to hammer out the numbers that will keep the whole thing stable whilst you look at the longer term issues.

Sometimes the fear of how the next month's bills will be paid can stop someone making changes that they really need to make. Even in the wealthiest households there can be huge disparity between the spouses. It is sometimes the case that one partner

for example has knowledge and control of all of the finance but the other partner simply does not know what is going on. They may feel very dependent on the goodwill of the other spouse to keep the ball rolling and keep the bills being paid for the children's fees or the next holiday that is coming up. The important thing is to get advice fairly early on if you can, and work out how much you need and be aware that if you cannot negotiate it there is a very strong court structure available within divorce proceedings to make sure you can get it. There are also legal systems in place so that you can make a claim for child support if you are not married, or for assistance with housing, although it is not as straightforward as it is with people going through divorce.

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