

Financial Remedy Case Study: Successfully achieving a fair financial settlement in the case of G v G

H and W were married for 19 years and cohabited for 21 years. There were three dependent children from the marriage. H was the breadwinner and owned two successful businesses. W had forgone her career to be a homemaker.

The procedural history spanned April 2023 – February 2025 including 7 hearings and an adjourned Financial Hearing (FH).

At a financial dispute resolution (FDR) in November 2023, the assets totalled c.£2.5m. Despite negotiations, the parties failed to reach agreement. However, in December 2023 - unbeknownst to W - H applied for bankruptcy. The application was unnecessary as H's assets outweighed his liabilities and the order was subsequently annulled in January 2025. The FH took place thereafter.

The liquid assets amounted to c£1m plus the significant pensions of c£1m.

The open offers of the remaining assets at FH were:

W: 60:40 division of assets in W's favour

H: 65:35 division of assets in H's favour

W ran a conduct argument that H deliberately applied for bankruptcy to diminish the matrimonial assets. W showed that H's actions caused a quantifiable loss of between £1m - £1.25m in loss of value of the assets between the FDR and FH.

The Judge ruled that H's actions met the test for conduct. The Judge was satisfied that, regardless of whether done deliberately or recklessly, the bankruptcy had caused a significant financial loss, and it would be inequitable to disregard conduct in the final award.

Both parties had borrowed money from family members, which were deemed soft loans; there was no evidence these were contractual loan agreements to be repaid.

Taking into account the conduct issues, in summary, the Judge awarded 60.5% of assets to W and 39.5% to H calculated as follows:

- W retained 100% proceeds of sale of the FMH and 100% of the bankruptcy surplus.
- Spousal maintenance to W capitalised from 10% of the proceeds of sale of the Villa. H received the balance.
- Child maintenance paid to W of £750, until the children turn 18 or finish full-time education, secured against the proceeds of sale of the Villa.
- Equality of pension capital.
- No separate order for costs.

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