


PUMP COURT
CHAMBERS

Tudor v Tudor



Catherine and Henry Tudor married in 1993. Catherine had previously been engaged to Henry's elder brother Arthur, who sadly died during his stag party. Henry and Catherine married about 3 years later, united in their grief. Catherine moved to the UK permanently from Spain to marry Henry.

During the marriage Catherine and Henry underwent lengthy IVF treatment but only managed to have one child, Mary. Mary was born 7 years after the marriage. She is now 19 and in her first year reading Medieval History and Kingship at Queens' College, Cambridge. She is considering undertaking a law conversion course thereafter.

Catherine is now 54 years old. As a result of the lengthy IVF programme which Catherine and Henry continued until she was in her early 40s, Catherine's career as a bilingual teacher was sporadic. She is working only 6 hours pw during term time teaching Spanish at Cardinal Vaughan School.

Henry is the CEO of a headhunting company, Tudor & York Ltd. He is now 45 years old. He is the majority shareholder. The other 3 minority shareholders are junior family members. Henry inherited his shares on the death of his father (also Henry), which was shortly after the marriage. Catherine never worked for the company.

In 2017, suspecting that Henry might be having an affair, Catherine activated the "Find My Friends" feature on Henry's iPhone, unbeknownst to him. Over the next few weeks by monitoring his whereabouts she saw that he was spending suspiciously lengthy periods at the property of his chief designer, Anne. Anne is 35 and, as far as Catherine knows, has never been married.

In her anger at the discovery of the affair, Catherine drove one evening to Anne's cottage and confronted Anne and Henry in circumstances where it would be impossible for them to deny their relationship. Having expressed her anger in terms liberally punctuated with Spanish invective, Catherine drove home. Later that night she received a call from a local hospital to say that Henry had been involved in a car accident.



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It later transpired that Henry was not responsible for the accident, which was caused by a drunk driver leaving the car park of “*The Wrong’d Wyfe*” public house next door to Anne’s cottage.

Henry sustained serious head and pelvic injuries. A report obtained for the financial remedy proceedings recorded that:

- He suffered a closed head injury with some mild traumatic brain damage which affects his reasoning and ability to sequence. He fatigues easily;
- He has an increased risk of epilepsy;
- He sustained fractures to both sides of his pelvis and his left knee which has significantly reduced his mobility. He can use crutches now but is likely to be wheelchair bound within 10 years.
- He sustained significant damage to his spleen, which was then removed;

The report concludes that deterioration following the head injury is likely to lead to Henry’s working life ceasing in c10 years and his life expectancy being reduced by c10 years.

Henry never returned to the FMH but with Anne’s love and care recovered well. He returned to work some 12 months later by which time Catherine had initiated divorce proceedings.

During his convalescence Henry lived with Anne at her cottage. Anne gave up her job and provided the majority of his care.

Mary visited him occasionally, usually to discuss her own financing but otherwise struggled to cope with the discovery of her father’s adultery.

Catherine issued Form A at around the time Henry returned to work. The proceedings required an FDA and an FDR and the final hearing was listed about a year later. By this time Henry had been back at work for a year, but was struggling to cope with the travel and was increasingly fatigued due to his brain injury.



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The agreed schedule prepared by efficient counsel recorded that the principal assets for distribution are:

- Equity in the FMH, 1 Whitehall Palace Gardens, of c£500,000 now held by the parties as tenants in common.
- Henry's shares in Tudor & York worth c£1m gross. Henry is entitled to entrepreneur's relief.
- A pension held with Fidelity worth £400,000
- A sum of c£150,000 being damages recently received by Henry for his car accident. £70,000 represented loss of earnings, £40,000 for pain, suffering and loss of amenity and £30,000 for adaptations and mobility support. The balance was interest and other consequential loss including £3,000 for past care.
- Catherine has a part share in a property in Aragon, Spain inherited from her father 18 months before their separation and worth c€200,000. Her sister lives in that property.
- Henry is earning c£80,000 pa net from a combination of salary and dividend income.
- Catherine has no other assets and is earning c£6,000 pa. She is unlikely to earn more.

The final hearing was heard over three days in the FRU. During his cross-examination Henry was closely questioned as to payments from his account to an account in the name of Boleyn, which is Anne's surname. After some prevarication and obfuscation Henry confirmed that they were not payments to Anne but to her elder sister, Jane. After further questioning Henry disclosed that some years before his relationship with Anne he had a one-night stand with her sister Jane and that his son, Hal, was born as a result. Henry has been providing modest support for Hal since his birth. Hal is now 9 years old and has spina bifida.

DJ King reserved her judgment and later sent out a draft judgment for counsel to provide corrections. After these were provided, the judgment was released to the parties. A date was set for judgment to be handed down two weeks later.

By her unsealed judgment DJ King determined that:

- The FMH be sold forthwith and the net proceeds divided as to 60% to Catherine and 40% to Henry;
- Henry should pay a lump sum of £50,000 to Catherine (from which her outstanding legal costs of £30,000 would be paid);
- Henry should pay Catherine PPs during their joint lives at the rate of £30,000 pa reducing to £0.05 on her 67th birthday (when Henry would be 58).
- She found that the shares in T&Y were non-matrimonial but were in any event the source of the income stream
- The judge found that although Henry's interest in T&Y was worth £1m gross there was little liquidity in the company but that it would produce an income stream for Henry of £80,000 net pa
- She specifically stated that she was not making any order as to Henry's shares in T&Y on the basis that if he sold them Catherine might apply to capitalise her maintenance.



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- There be a pension sharing order to balance their pension benefits by capital value.
- She found that the Spanish property was a non-matrimonial asset.
- She ordered Henry to pay Mary's future education costs whilst she completes her first degree.

Unfortunately, later that evening Henry suffered an epileptic fit and despite Anne's attempts to revive him, he died. By the date of his death Anne and Henry had been living together for 28 months.

At the time of Henry's death there had been no decree absolute.

Henry had written a new will shortly before the final hearing. He had left his estate in three parts. One part was left to Anne for life but on her death reverting to his two children in equal shares. A third was left to Mary but on trust until she attains the age of 25 years. A third is left on trust for Hal, with Anne and Jane as the trustees.

Four weeks after Henry's death, Anne discovers she is pregnant. Their daughter Elizabeth was born 7 months later.