

Bankruptcy

With all the talk of debt in the media, and after what was probably an expensive Christmas, you may be left worried about your finances. In the worst case scenario, your creditors may be chasing you for payment and threatening to issue bankruptcy proceedings against you. Bankruptcy proceedings will not only affect you, but may also affect your spouse and any children you may have. This is still the case even if you are going through a divorce or have recently divorced.

In December 2007 the case of Hill v Haines was heard by the Court of Appeal. This case involved a husband who went bankrupt after he and his wife had divorced. His trustees in bankruptcy then tried to set aside his transfer of the matrimonial home to his ex-wife on the divorce settlement, which would mean they had a claim against the property. The Court of Appeal overturned the High Court's ruling, and said the trustees in bankruptcy could not set aside the transfer of the matrimonial home into the wife's name. However, the fact that the trustee came very close to having a successful claim is a worry in itself.

This case demonstrates the potential effects that bankruptcy proceedings could have on your family or the family home. If you are worried you may have bankruptcy proceedings brought against you, or if you are thinking about declaring yourself bankrupt, then we can provide you with advice on the impact of these proceedings and how you can protect the family home.

The experienced Family team at Bennett Griffin LLP offer a fixed-fee interview, where they will discuss practical options with you in a friendly and approachable way. Don't leave it too late. Please contact us today.