

Joseph and Estelle

Joseph is 42 and is the director and co-shareholder of 'No Escape Paintballing', a company that runs paintballing activity days, focussing on corporate 'away days'. He has been cohabiting with his partner Estelle, a 41-year-old primary school teacher, for the last ten years. They have two sons: Michael (8) and Lucas (6).

Joseph and Estelle are not married and have never entered into any cohabitation agreement. Joseph was previously married to Annabelle (now divorced). He pays child maintenance for his 14-year-old son with Annabelle, Edward, on a voluntary basis of £350 a month.

They live in a four-bedroom detached property in Surrey, bought 9 years' ago and registered in Joseph's name, purchased with the assistance of a mortgage and a loan of £45,000 which came from Joseph's parents and assisted with the deposit and purchase costs.

Unfortunately, their relationship has been in difficulty for some time with lots of arguments, often over trivial issues. Matters came to a head when Joseph's sister, Iñes, moved into their spare room in January.

The arrangement was intended to be temporary whilst Iñes' flat was being renovated but has dragged on because Iñes subsequently lost her job and was unable to pay her builders. Whenever Estelle raised the issue with Joseph he would remind her that his parents loaned them the money for their home and that they would expect him to look after his younger sister.

On 16 March Estelle decided that 'enough is enough' and she told Joseph that she wanted him and his sister to move out. She proposed that the children remain living with her and Joseph see them once a week 'for a couple of hours'. Joseph was keen for Estelle to try some relationship counselling with him but Estelle was unconvinced. Privately, Estelle has sought solace in the company of a teacher colleague, Daniel, with whom she is in regular 'whatsapp' contact in what she would describe as an 'emotional affair'.

On 23 March the country went into 'lockdown' as a consequence of the Covid-19 pandemic. Iñes has been unable to return to her property (or anywhere else) and Joseph has not moved out (and does not see why he should have to). All three adults and the children remain under the same roof where relations are 'strained'. Estelle has told Joseph on at least two occasions (in the course of a heated discussion) that she and the children would be better off living in the South of France with her parents and that "...as soon as the lockdown is over –we're off!".

Financially, the paintballing company has been hit hard. Whilst Joseph's tax return last year showed dividend income of £187,000 gross in addition to employee income of £10,000, no paintballing activities can take place during the lockdown and all bookings up to September have been cancelled. Estelle earns £30,000 a year as a teacher (it is a private school and the children attend the same school) but has been furloughed and is currently receiving 80% of her monthly net income of £2,000 (£1,600). Estelle is the company secretary of No Escape Paintballing ltd and a 25% shareholder but has never been paid a dividend. Joseph owns the remaining shares.

Joseph and Estelle each own properties in their own names purchased prior to cohabitation and which are let to tenants. Estelle's family are believed (by Joseph) to be very wealthy; they have a lovely villa in France together with farmland and agricultural buildings. Estelle has savings in her own name of around £12,000.

Joseph/Estelle have contacted you for advice...