



Q&A By John T. Syrtash, Associate, Garfin Zeidenberg LLP

Answers to pressing questions on Family Law.

You'll Both Face Changes

Question: I have been married for 25 years. I know nothing about my husband's successful construction business and have not worked for several years. We live in a big house. I have no idea where to turn or how I am to survive. I know he makes a decent six figure income. Our house is not entirely paid for and our kids are still in university. What happens to me?

Question: I have been married for 25 years. My wife wants out of the marriage. She has not worked all our married life. I work 12-hour days. I earn a six figure income but most of it goes to taxes, supporting my grown children in university and our expensive lifestyle, including paying the mortgage on a large house. I have no idea what lies ahead or how I'm going to pay for spousal support, for how long or what the consequences will be to my pocketbook. Will I have to quit my Golf Club? What happens to me?

Answer: You are both going to suffer a substantial change for the worse in your prospective lifestyles. The husband will likely have to split his after-tax income equally after such a lengthy marriage until his wife remarries or cohabits for a while with another income supporting partner, or until she dies, or until he retires. This support obligation is, however, tax deductible and continues until retirement unless his circumstances change, like illness or a loss of employment or reduction of income for some other reason beyond his control. So quitting work doesn't qualify. The house will likely be sold and the net proceeds split equally. The timing of the sale depends in part on the needs of your children and where they go to university. The value of all assets, except the value of any premarital assets and inheritances, will be split equally, including the post marital value of the husband's business, as will post marital debts, valued as of the date of separation. The law encourages the wife to be retrained and to be reintegrated into the work force, but it is rare that the courts follow up on enforcing such an obligation after such a lengthy marriage. After 25 years, the wife almost has a permanent pension from her husband if she was not working for several years. The husband will also be obligated to support the kids until they obtain their first undergraduate degree, including tuition, books and incidentals.

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