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### Celebrity Divorce A Hot Potato

There is little more glamorous than a celebrity wedding or as tabloid-worthy as a breakup. But even celebrities can't wiggle out of Family Court.

IN the interests of anonymity let's call this couple Mr & Mrs Banana. Mr & Mrs Banana met in 1994 while he was touring with his successful children's band. Mrs Banana and her son moved in with Mr Banana in 1995 and they married in 1996. They had one child together in 1997. Unfortunately, they did not live happily ever after.

Following their separation, there was little that Mr & Mrs Banana could agree on, including the date they separated. Mr Banana had moved out of the family home in 2004 and at their Court hearing he said this was the time that they separated. Mrs Banana said that they maintained their relationship until 2008, albeit in different homes. So how did the Judge decide? It was generally found that Mrs Banana gave misleading evidence on several crucial points which made her credibility questionable. The Judge agreed with Mr Banana that separation happened in 2004.

Being a celebrity marriage, it was a sizeable property pool that they were arguing over, but they could not agree on just what size it was. Mr Banana had paid significant funds to Mrs Banana following separation which he wanted credit for, and he had also lost significant money in unsuccessful real estate ventures following separation, which he said should not be added back into the property pool. In the end the Judge used some of Mr Banana's figures and some of Mrs Banana's to come up with a property pool of \$12,711,708.

The Judge then had to look at the parties' contributions to the relationship, both financial and non financial. Mr Banana's interest in the band, which at the time the parties started living together was valued at \$1.8 million, was the springboard for the parties' wealth. He was the sole income earner throughout the relationship, though his extensive touring schedule meant that he was often away from home. Mrs Banana was credited as being the primary homemaker and carer for their child, effectively as a single parent during the times that Mr Banana was touring. The Judge decided that based on contributions, Mr Banana should receive 74% of the property

and Mrs Banana 26%.

The Judge then had to consider the parties' future needs. Mr Banana had retired from the band in 2006 for medical reasons, though at the time of trial in 2012 had been re-contracted with the band effectively as an employee. At the end of that contract, Mr Banana was unlikely to find much further success in the entertainment industry. His royalties had been counted an asset rather than income, so it was found that neither party was likely to earn much money. Mrs Banana had primary care of the parties' 14 year old, with Mr Banana paying considerable child support. Mr Banana was also given credit for supporting Mrs Banana's child during the relationship. The Judge decided that there needed to be no adjustment for either party's future needs.

The end result therefore was that Mr Banana retained 74% of the property and Mrs Banana 26%. With the way their other assets were divided, Mr Banana had to make a cash payment to Mrs Banana of \$463,155.

A cash payment of \$463,155 might seem low, but it gets worse. Mr Banana had made a settlement offer in 2008 which would have seen Mrs Banana to retain 37.5% of the property pool, which she rejected. He therefore made an Application to recoup some of his legal fees from Mrs Banana. A costs order was made against Mrs Banana for \$220,000, being roughly 25 percent of the legal fees paid by Mr Banana, and then Mrs Banana still had to pay her own legal fees.

Mr Banana has now re-married, and the new member of his band wearing his old shirt has also recently been married. Hopefully they are both lucky in love this time around, or have well drafted pre-nups.



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