

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

[2023] SGHCF 29

District Court Appeal No 113 of 2022

Between

WKD

... Appellant

And

WKC

...Respondent

JUDGMENT

[Family Law — Matrimonial Assets — Division]
[Family Law — Maintenance]

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**WKD
v
WKC**

[2023] SGHCF 29

General Division of the High Court (Family Division) — Divorce

HCF/DCA 113 of 2022

Chan Seng Onn SJ
13 June 2023

19 June 2023

Chan Seng Onn SJ:

Background

1 The parties were married in China on 22 October 1991. The husband filed the Writ of Divorce in Singapore on 8 January 2020. Interim Judgment was eventually granted on 3 August 2020 on the grounds of the parties' separation for three years from the year 2017. The marriage lasted 29 years. Both of their children are now above the age of 21. The husband is 63 years old and the wife is 56 years old. Both are music teachers.

2 At the ancillary matters hearing on 29 November 2022, the District Judge ordered, amongst other things, that:

- (a) The husband's rights, interest and share in the matrimonial flat held in the parties' joint names shall be transferred to the wife upon the wife paying to the husband a sum of \$89,240, with the wife to bear the costs and expenses of the transfer.
- (b) Should the matrimonial flat not be transferred to the wife, then it shall be sold on the open market and the net sale proceeds, after repayment of the outstanding mortgage and interest, costs and expenses relating to the sale including agent's commission, shall be divided in the proportion of 38%(husband):62%(wife).
- (c) Each party shall retain all other assets held in their respective names.
- (d) There shall be no maintenance payable by the husband to the wife.
- (e) There shall be no orders for the husband to return the wife's belongings alleged to have been stolen by the husband.

The Appeal

3 Dissatisfied, the wife appealed against the whole of the District Judge's decision. At the appeal hearing before me, counsel for the wife contends primarily that:

- (a) The final ratio for the division of the entire pool of matrimonial assets should be **44.58%(husband):55.42%(wife)** based on the following matrix:

	Husband	Wife	Weightage
Direct Contributions	59.17%	40.83%	50%
Indirect Contributions	30%	70%	50%
Final Ratio	44.58%	55.42%	

(b) The ratio of indirect contributions of 65%(husband):35%(wife) determined by the District Judge was wrong and should have been much higher at 30%(husband):70%(wife) in favour of the wife.

(c) Additionally, the wife's percentage of 55.42% in the final ratio (as submitted by the wife) should be uplifted by **15%** instead of the 7% uplift granted by the District Judge arising from an adverse inference which the District Judge had decided to draw against the husband for his failure to make full disclosure of all his bank accounts. The 15% uplift asked for by the wife would thus bring the wife's share of the pool of matrimonial assets to **70.42%**, leaving the husband with only **29.58%**.

(d) The husband should be ordered to pay spousal maintenance of \$2,000 per month, or in the alternative, a lump sum maintenance of \$60,000 to the wife.

(e) There should be an order for the return of the wife's belongings set out in Annex E of the wife's affidavit which had been taken away by the husband without her consent.

Division of Matrimonial Assets

4 Before delving into the division of the pool of matrimonial assets, I shall deal first with the respective contributions of the parties towards their marriage and thereafter derive an overall ratio (“final ratio”) for the purpose of dividing all the matrimonial assets.

Financial Contributions of the husband

5 According to the husband, he worked full time during the marriage at the Singapore Broadcasting Corporation from 1991 to 1992, earning about \$1,700 per month (*ie* an estimated total of **\$40,800** earned in the two years). From 1993 to 2008, he worked for the Singapore Symphony Orchestra. His starting pay was \$1,800 per month in 1993 and by 2008, he was drawing a salary of \$2,800 per month (*ie* an estimated total of **\$441,600** earned in the 16 years based on an average salary of \$2,300 per month). At the same time, the husband was giving private music lessons. In the seven years from 2008 to 2014, the tuition fees he collected averaged \$2,500 per month (*ie* an estimated total of **\$210,000** earned in these seven years). In the four years from 2015 to 2018, the tuition fees he collected averaged \$2,000 per month (*ie* an estimated total of **\$96,000** earned in these four years). In the two years from 2019 to 2020, the tuition fees he collected averaged only \$550 per month (*ie* an estimated total of **\$13,200** earned in these two years). Accordingly, the husband would have earned an estimated total of **\$801,600** during the whole duration of the marriage, which I regard as his total financial contributions towards the marriage.

Financial Contributions of the wife

6 According to the husband, the wife had a three years’ contract with Marina Bay Sands during the marriage, for which she was paid \$5,000 per

month (*ie* an estimated total of **\$180,000** earned in these three years). The wife also gave private music lessons during the 29 years of marriage, from which she was earning on average about \$2,000 every month (*ie* an estimated total of **\$696,000** earned in these 29 years). Accordingly, the wife would have earned an estimated total of **\$876,000** during the whole duration of the marriage, which I regard as her total financial contributions towards the marriage.

7 Counsel for the wife accepts the husband's estimate of the wife's total earnings during the marriage and does not dispute the husband's own estimate of his total earnings during the marriage.

Ratio of Financial Contributions of the husband and wife

8 The table below shows the ratio of the financial contributions of the husband and wife during the whole duration of their marriage.

	Husband	Wife
Total earnings during the marriage	\$801,600	\$876,000
Ratio of Financial Contributions	47.78%	52.22%

9 Establishing the total income earned by the respective parties during the entire marriage is a relatively quick, easy and fairly accurate method of assessing their respective financial contributions towards the marriage. I therefore determine the parties' respective financial contributions to the marriage to be **47.78%(husband):52.22%(wife)**.

10 I note however that the ratio of the direct contributions assessed by the District Judge was **59%(husband):41%(wife)**, which in my view may have underestimated the financial contributions made by the wife towards the marriage.

Ratio of Non-financial Contributions of the husband and wife

11 At the hearing below, the husband claimed through his counsel that he had been the only one caring for the household and the children throughout the marriage, whereas the wife frequently went overseas to play golf or spend time with her male friends. The husband initially argued that the parties' indirect contributions should be assessed in the ratio 90%(husband):10%(wife). This was later moderated to 70%(husband):30%(wife).

12 At the appeal hearing before me, the husband is unrepresented. He submits that if he had not effectively been the sole caregiver to the children, then why is it that their children are now still so close to him and not close to their mother at all? He alludes to the statutory declarations made by the children and the maid, in which they recount many incidents in favour of the husband showing his indirect contributions, and the relative absence of indirect contributions from the wife towards the family.

13 The wife on the other hand submits that she had graduated with a Bachelor Degree in Composition and Compositional Theory from the China Conservatory of Music, a prominent music conservatory in China. After graduation, she worked as a music teacher teaching university students at the Fujian Music Academy. Her career was stable and she had bright prospects, as she had been nominated to be the head of the Composition Department. She sacrificed her entire career in China's music industry when she followed her

husband to live in Singapore. She did not work for the first two years after moving to Singapore as she was adapting to the new life and busy caring for her husband and his parents. In her affidavit, she gave an extensive account of her indirect contributions during her long marriage. She was the main caregiver to the children, who were very close to her and used to sleep with her in the same bedroom. Given her flexible schedule as a private music teacher, she had the time to teach the children herself, and take them to their tuition, music and dance classes, where she would watch them practice and take them home. Both children successfully passed their grade 8 violin examinations. Paragraph 38 of the wife's affidavit D1 has largely not been disputed by the husband. In paragraph 38a, the wife explained how she had run the household and trained the domestic helper. The husband however disputes that the wife trained the domestic helper and refers to the statutory declaration made by the previous domestic helper. Nevertheless, much of what was said by the wife as evidence of her indirect contributions was not disputed by the husband. There was evidence that she supported various business ventures undertaken by the husband which did not come to fruition. She also took care of the husband's parents and treated them like her own. Counsel for the wife submits that the statutory declarations of the children made in favour of the husband should be given limited weight because the children had been living with him since 2019, and their loyalties would therefore lie more with him than with the wife.

14 The wife submits at the hearing before me that the ratio of indirect contributions should be 30%(Husband):70%(Wife) in favour of the wife. This was also the same position taken by the wife at the hearing below.

15 The District Judge held that the wife did make sizable indirect non-financial contributions in her role as caregiver to the children, noting at the same time that the family did not always have domestic helpers. While the husband

disputed some of the wife's assertions in respect of her indirect non-financial contributions, the District Judge commented that he did not address the majority of them in his reply affidavit. She concluded that the husband had not disputed most of the items particularised in paragraph 38 of the wife's affidavit of assets and means, and therefore that the husband had conceded on these points. Having considered all the facts and circumstances of the case, including the overall length of the marriage and the statutory declarations of the children as well as that of the maids, the District Judge determined the indirect contribution ratio to be **65%(husband):35%(wife)**.

16 I have difficulty understanding why the eventual indirect contribution ratio as determined by the District Judge was skewed so heavily in favour of the husband when both the evidence set out by the District Judge in her decision and her findings seem to have favoured the wife in terms of her indirect non-financial contributions towards the long marriage. I agree with counsel for the wife that insufficient weight has been given to the indirect contributions of the wife since the District Judge had accepted that (a) the wife had made sizeable indirect non-financial contributions in caring for the children; and (b) the husband had not disputed many of the wife's assertions in respect of her indirect non-financial contributions during the long marriage of 29 years.

17 After considering the findings of the District Judge, the submissions of the parties at the appeal and having read the affidavits of the parties including the statutory declarations of the maid and the children, I am of the view that the ratio of the non-financial contributions of the parties should be tilted in favour of the wife and a fair ratio in all the circumstances of the case is **40%(husband):60%(wife)**.

Final Ratio determined by the District Judge with an uplift due to an adverse inference being drawn

18 Since both parties agreed at the hearing below to apply the average ratio of the direct and indirect contributions, the District Judge worked out the final ratio to be as follows:

Contributions	Husband	Wife	Weightage applied
Direct	59.00%	41.00%	50%
Indirect	65.00%	35.00%	50%
Final Ratio determined by the District Judge	<u>62.00%</u>	<u>38.00%</u>	

19 The wife had asked the District Judge to draw an adverse inference against the husband for his failure to make full and frank disclosure. As the husband did not dispute that he was not able to provide any clear explanation as to why he was not able to provide statements from his Maybank account, the District Judge found on the evidence that the necessary substratum of evidence had been established. Accordingly, the District Judge drew an adverse inference against the husband. Balancing that against the fact that the wife had resided in the matrimonial flat since March 2021 rent free, the District Judge adjusted the final ratio by increasing the wife's percentage share by an **uplift of 7%** from 38% to 45%. The District Judge thus fixed the final ratio for the division of all the matrimonial assets at **55%(husband):45%(Wife)**. See Table 3 on how this ratio when applied to the division of all the matrimonial assets (including the matrimonial flat) is translated into the final orders of the District Judge,

involving the transfer of \$89,240.30 by the wife to the husband with no set-offs when the wife retains the matrimonial flat with a net value of \$236,551.62.

Final Ratio determined at this appeal

20 The matrix below sets out how the final ratio is computed based on the ratio of the financial contributions determined by me at [8] above and the ratio of the non-financial contributions determined by me at [17] above, with equal weightage applied to each of the two ratios.

Contributions	Husband	Wife	Equal Weightage applied
Financial	47.78%	52.22%	50%
Non-Financial	40%	60%	50%
FINAL RATIO	<u>43.89%</u>	<u>56.11%</u>	

21 Using a broad-brush approach and with the above computations as a guide, I assess the final ratio for the division of all the items in the pool of matrimonial assets at **43.9%(Husband):56.1%(Wife)**, which I believe represents a fair and just distribution ratio for dividing all their matrimonial assets in all the circumstances of this case.

Items in the pool of matrimonial assets and the Excel Spreadsheets attached

22 The items in the pool of matrimonial assets and their net asset values as shown in the various line items in the attached Tables are extracted from the District Judge's judgment.

23 Each of the attached Tables in the form of an Excel Spreadsheet automatically computes the amount of money that one party has to pay the other party as a set-off, depending on the items in the matrimonial pool that the parties have chosen to keep for themselves, in order to achieve the desired final ratio fed as “input data” into the Excel Spreadsheet for the purpose of dividing all the matrimonial assets.

Adverse inference giving rise to an adjustment to be applied to the pool of matrimonial assets

24 As at the hearing below, the wife submits at the appeal hearing that an adverse inference should be drawn against the husband owing to his failure to make full disclosure of all his bank accounts and for dissipating monies which are matrimonial assets. I note that the husband has not appealed against the District Judge’s decision to draw an adverse inference against him, which resulted in a 7% reduction in his share of the matrimonial assets.

25 The wife identifies two bank transactions involving monies withdrawn from disclosed bank accounts, which were transferred to some undisclosed bank accounts, and later returned. The husband has accepted at the hearing below that he had failed to provide the bank statements from these undisclosed bank accounts pursuant to his discovery obligations. The wife again asks at the appeal for an adverse inference to be drawn, and a corresponding uplift of 15% to her percentage share of the matrimonial assets. With the total pool of assets (inclusive of the matrimonial flat) valued at \$2,793,810.56, this uplift of 15% translates into a \$419,071 increase in the wife’s share of the matrimonial assets.

26 In my view, a 15% uplift on the basis of the adverse inference drawn by the District Judge is not at all reasonable. It would be equivalent to implying that the husband has hidden assets worth some \$756,172 (*ie* calculated based on

the required increase in the wife's share of \$419,071 divided by the wife's share of 55.42% = \$756,172) to be notionally added to the pool of matrimonial assets. This means that the wife's 55.42% share of the additional \$756,172 (*ie* \$419,071) is to be added to her share of the matrimonial assets based on the wife's desired final ratio of **44.58%(husband):55.42%(wife)** (see [3(a)] above).

27 The question I ask myself is how much the total value of the pool of matrimonial assets is likely to be, based on parties' total income and accumulated profits from all their investments less their total expenses expended during the whole duration of their marriage. If the total value of their disclosed assets for division at the interim judgment turns out to be much lower than the net value of their accumulated assets estimated from their combined total income plus accumulated profits from all their investments less all their estimated expenses expended during the whole duration of their marriage, then one may infer the probable existence of a hidden pool of undisclosed assets.

28 The parties did receive a windfall in 2018 from the collective sale of their first matrimonial flat at Pearl Bank apartment, which was purchased in 1994. The sale price was \$2,474,236.92. After \$244,547.23 was refunded to the husband's CPF account and after deductions for certain expenses, the cash sale proceeds of \$2,171,970.97 was paid to the parties' joint account. It netted the parties a handsome profit of some \$2,000,000 from investing in the Pearl Bank apartment. Together with their total earnings during the marriage of \$801,600 from the husband (see [5] above) and \$876,000 from the wife (see [6] above), the total amounts to \$3,677,600. If the average expenses for the family are estimated very conservatively at \$3,500 per month over the 29 years, the total expenses already come to \$1,218,000 in total. After deducting these accumulated expenses from \$3,677,600, the balance is \$2,459,600. This

estimated figure is not far from the established value of the pool of disclosed matrimonial assets, which is \$2,793,810.56. I therefore conclude that it is not likely at all for there to be hidden assets amounting to some \$756,172 (see [26]), which would be the necessary implication of granting the 15% uplift sought by counsel for the wife.

29 In the case of the 7% uplift granted by the District Judge, I have computed that to be implicitly adding to the pool of matrimonial assets an additional \$514,649 worth of assets undisclosed by the husband. See Table 4 for the computation. Alternatively, it can simply be estimated by taking the total disclosed matrimonial assets of \$2,793,810.56 x 7% and then dividing by 38%, which is the District Judge's original percentage of the wife's share of the matrimonial assets before the 7% uplift. This will give a sum of \$514,649 of deemed undisclosed matrimonial assets to be added to the pool, from which the wife would receive an increase of \$195,556.62 in her share of the matrimonial assets, thus giving her a total of \$1,257,258.94 for her share of the matrimonial assets. For the same reasons as set out earlier in [27] and [28], I think the quantum of 7% for the uplift (which is the equivalent of a deemed total of \$514,649 of undisclosed assets by the husband) is excessive.

30 However, I do agree with the District Judge that an adverse inference should be drawn against the Husband owing to his failure to make a full and frank disclosure of all the matrimonial assets in his possession. I will instead deem a much smaller notional sum of \$100,000 as the value of all the undisclosed assets in the husband's possession. This gives the wife an additional uplift of \$56,100 to her share of the matrimonial assets.

31 Accordingly, based on the calculations in Table 1, the husband has to pay the wife a sum of **\$276,972** in the event that the wife keeps the matrimonial

flat. This is on the basis of a final ratio for division of **43.9%(husband):56.1%(wife)** coupled with **an uplift of \$100,000** to the pool of matrimonial assets arising from the adverse inference drawn against the husband, and with each party keeping all other assets in their own names. There will thus be an increase of \$56,100 in the wife's share of the matrimonial assets, and the wife will therefore be credited with a total of \$1,623,427 from the pool of matrimonial assets. From the same pool of matrimonial assets, the husband will therefore be credited with \$1,270,382.84, (out of which \$100,000 is deemed to be not disclosed and retained by him). Together with the deemed \$100,000 of undisclosed matrimonial assets, the total value of the pool of matrimonial assets has therefore been adjusted to \$2,893,810 as shown in Table 1.

Maintenance of the wife

32 The wife claims that she presently earns a gross monthly income of only \$500 and is asking for maintenance of \$2,000 a month.

33 Taking into consideration the division of the matrimonial assets, the District Judge did not consider that there were any financial inequalities to be evened out. Hence the District Judge ordered no maintenance for the wife.

34 Not only have I have increased the wife's share of the matrimonial assets to 56.1%, which amounts to a substantial \$1,623,427.72 (see Table 1), I also consider that the wife should be able to earn a reasonable sum of money for her own upkeep from teaching music and having her own private students. During the long marriage, she was able to earn an average of about \$2,000 a month from teaching music. Under these circumstances, I am not inclined to order any maintenance for the wife. I uphold the decision of the District Judge in not ordering any spousal maintenance for the wife.

No order made for the husband to return certain stolen items

35 The wife asked the District Judge to order the husband to return a very long list of items belonging to her that he allegedly took without her consent, which included 18 violins, two pianos, cash of \$100,000, some furniture, some antique items, calligraphy paintings, and several items of jewellery. The wife attached a few photographs of some of the violins found at the husband's flat, which she claims had been recently taken by and given to her by her daughter.

36 The District Judge refused to make the order, stating that it was not determined or proven that those assets even existed and were in the possession of the husband.

37 Given the nature of the evidence produced by the wife, I can understand why the District Judge made the order she did. I do not think she was wrong in not making any such an order and I affirm it.

38 In my view, even if it is true that some of these items are of significant value and should have been counted amongst the assets which had been taken by the husband but not disclosed by him, the adverse inference drawn against the husband's failure to make full and frank disclosure of all the matrimonial assets in his possession and the consequent uplift of an amount of \$100,000 notionally added to the total pool of matrimonial assets and included as part of the overall calculations shown in Tables 1 and 2, should in the round help to account for this aspect of the wife's appeal since I have attributed the entire notional sum of \$100,000 as part of the husband's share in the calculations, which would give the wife an uplift of \$56,100 in her share of the matrimonial assets.

Conclusion

39 Accordingly, the wife's appeal is allowed to the limited extent as set out below to achieve a just and equitable division of the matrimonial assets:

(a) All the matrimonial assets are to be apportioned between the Husband and the Wife in accordance with the final ratio of **43.9%(Husband):56.1%(Wife)**. There is an uplift of \$100,000 notionally added to the pool of matrimonial assets to account for the adverse inference drawn against the Husband for his failure to make full and frank disclosure of all the matrimonial assets in his possession.

(b) Where the wife decides to retain the matrimonial flat for herself, the husband shall transfer his rights, interest and share in the matrimonial flat to her. In this case, the husband is to pay the wife a sum of **\$276,972** (as computed in **Table 1**, to adhere to the final ratio of **43.9%(Husband):56.1%(Wife)** and on the basis of the parties' retention of the other assets in their own names and an inclusion of an uplift of \$100,000 to the pool of matrimonial assets) within 3 months from the date of the certificate of Final Judgment. The wife is to bear the costs and expenses of the transfer.

(c) Where the wife decides not to retain the matrimonial flat for herself, the matrimonial flat shall be sold on the open market within 9 months from the date of Final Judgment. The net sale proceeds, after repayment of the outstanding mortgage and interest, costs and expenses relating to the sale including the agent's commission, shall be divided and paid to the respective parties in the proportion **43.9%(Husband):56.1%(Wife)**. In this case, the husband is to further pay the wife a sum of **\$380,818** (as computed in **Table 2**, to adhere to

the final ratio of **43.9%(Husband):56.1%(Wife)** and on the basis of the parties' retention of the other assets in their own names and an inclusion of an uplift of \$100,000 to the pool of matrimonial assets) within 3 months from the date of the certificate of Final Judgment. If required by the CPF Board, each party is to pay their respective CPF refunds with accrued interest from his or her respective share of the net proceeds of sale of the matrimonial flat.

40 Apart from the orders 1 (a) and 1 (b) of the District Judge which are set aside, I have dismissed the rest of the wife's appeal and all the other orders of the District Judge shall remain. I shall now hear the parties on costs for the appeal.

Chan Seng Onn
Senior Judge

Kelvin Lim (Kelvin Lim & Partners) for the appellant;
respondent in person.

Table 1 –Showing the matrimonial flat retained by the wife and the division as per the final ratio of 49.3%(Husband):56.1% (Wife)

ITEM OF MATRIMONIAL ASSET AS AT "RELEVANT DATE"	NET ASSET VALUE ON DISTRIBUTION DATE	HUSBAND TAKES	HUSBAND OWES WIFE \$	WIFE TAKES	WIFE OWES HUSBAND \$	Husband's % = 43.9	Plaintiff
						Wife's % = 56.1	Defendant
			\$ -		\$ -		
Husband transfers his share and interest in the matrimonial flat to the wife. Valuation as at Oct 2022 is \$330,000. Outstanding loan is \$93,448.38. Net value is \$236,551.62	\$ 236,551.62		\$ -	\$ 236,551.62	\$ 103,846.16		
Deemed undisclosed assets of \$100,000 added to the pool of matrimonial assets arising from an adverse inference drawn against the husband for failing to make full disclosure of all the matrimonial assets in his possession	\$ 100,000.00	\$ 100,000.00	\$ 56,100.00		\$ -		
H's bank account	\$ 906,682.18	\$ 906,682.18	\$ 508,648.70		\$ -		
H's CDP Account	\$ 3,540.00	\$ 3,540.00	\$ 1,985.94		\$ -		
H's Insurance	\$ 74,855.41	\$ 74,855.41	\$ 41,993.89		\$ -		
H's CPF	\$ 462,277.31	\$ 462,277.31	\$ 259,337.57		\$ -		
			\$ -		\$ -		

W's car	\$ 21,572.00		\$ -	\$ 21,572.00	\$ 9,470.11
W's bank accounts	\$ 664,928.65		\$ -	\$ 664,928.65	\$ 291,903.68
W's insurance	\$ 409,884.96		\$ -	\$ 409,884.96	\$ 179,939.50
W's CPF	\$ 13,518.43		\$ -	\$ 13,518.43	\$ 5,934.59
			\$ -		\$ -
			\$ -	\$ -	\$ -
GRAND TOTAL	\$ 2,893,810.56	\$ 1,547,354.90	\$ 868,066.10	\$1,346,455.66	\$ 591,094.03

NETTING OFF: TO SETTLE THE DISTRIBUTION, HUSBAND HAS TO PAY WIFE CASH OF

\$ 276,972.06

ULTIMATELY, HUSBAND RECEIVES A TOTAL SHARE OF
ULTIMATELY, WIFE RECEIVES A TOTAL SHARE OF

\$ 1,270,382.84
\$ 1,623,427.72

GRAND TOTAL IS

\$ 2,893,810.56

DERIVATION OF THE OVERALL RATIO BASED ON A CERTAIN WEIGHTAGE

<u>Contribution</u>	<u>Husband</u>	<u>Wife</u>	<u>Weightage</u>
Financial	47.78%	52.22%	50%
Non-Financial	40.000%	60.000%	50%
FINAL RATIO	43.890%	56.110%	

For the Financial Contributions

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Husband earned \$801,600 during the marriage	47.78%
Wife earned \$876,000 during the marriage	52.22%

Table 2 - With the matrimonial flat sold and the assets distributed as per the Final Ratio of 43.9% (Husband):56.1% (Wife)

ITEM OF MATRIMONIAL ASSET AS AT "RELEVANT DATE"	NET ASSET VALUE ON DISTRIBUTION DATE	HUSBAND TAKES	HUSBAND OWES WIFE \$	WIFE TAKES	WIFE OWES HUSBAND \$	Husband's % = 43.9	Plaintiff
						Wife's % = 56.1	Defendant
			\$ -		\$ -		
Matrimonial flat sold with net proceeds apportioned to the parties in accordance with the final ratio 43.9%(husband):56.1%(wife)			\$ -		\$ -		
Deemed undisclosed assets arising from an adverse inference drawn against the husband added to the pool of matrimonial assets	\$ 100,000.00	\$ 100,000.00	\$ 56,100.00		\$ -		
H's bank account	\$ 906,682.18	\$ 906,682.18	\$ 508,648.70		\$ -		
H's CDP Account	\$ 3,540.00	\$ 3,540.00	\$ 1,985.94		\$ -		
H's Insurance	\$ 74,855.41	\$ 74,855.41	\$ 41,993.89		\$ -		
H's CPF	\$ 462,277.31	\$ 462,277.31	\$ 259,337.57		\$ -		
			\$ -		\$ -		
W's car	\$ 21,572.00		\$ -	\$ 21,572.00	\$ 9,470.11		
W's bank accounts	\$ 664,928.65		\$ -	\$ 664,928.65	\$ 291,903.68		
W's insurance	\$ 409,884.96		\$ -	\$ 409,884.96	\$ 179,939.50		
W's CPF	\$ 13,518.43		\$ -	\$ 13,518.43	\$ 5,934.59		

GRAND TOTAL	\$ 2,657,258.94	\$ 1,547,354.90	\$ 868,066.10	\$ 1,109,904.04	\$ 487,247.87
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NETTING OFF: TO SETTLE THE DISTRIBUTION, HUSBAND HAS TO PAY WIFE CASH OF \$ 380,818.23

ULTIMATELY, HUSBAND RECEIVES A TOTAL SHARE OF \$ 1,166,536.67

ULTIMATELY, WIFE RECEIVES A TOTAL SHARE OF \$ 1,490,722.27

GRAND TOTAL IS \$ 2,657,258.94

DERIVATION OF THE OVERALL RATIO BASED ON A CERTAIN WEIGHTAGE

Contribution	Husband	Wife	Weightage
Financial	47.78%	52.22%	50%
Non-Financial	40.000%	60.000%	50%
FINAL RATIO	43.890%	56.110%	

For the Financial Contributions

Husband earned \$801,600 during the marriage	47.78%
Wife earned \$876,000 during the marriage	52.22%

Table 3 - District Judge’s Division of matrimonial assets using the Final Ratio of 55% (Husband):45% (Wife) with the embedded 7% uplift

ITEM OF MATRIMONIAL ASSET AS AT "RELEVANT DATE"	NET ASSET VALUE ON DISTRIBUTION DATE	HUSBAND TAKES	HUSBAND OWES WIFE \$	WIFE TAKES	WIFE OWES HUSBAND \$
<p>If the matrimonial flat is to be sold and divided in the ratio 38%(husband):62%(wife) giving net proceeds of sale close to the estimated net value of \$236,551.62 for the flat, the amount due to the husband is \$89,889.61 and the amount due to the wife is \$146,662.00 from the net proceeds of sale. If the wife is keeping the matrimonial flat, it is correct for the District Judge to order the wife to pay \$89,240 to the husband for the transfer of his 55% share and interest in the matrimonial flat to her in order to achieve a zero set-off when each party retains all other matrimonial properties in their own names. This is borne out by the Excel Spreadsheet computations below.</p>	\$ 236,551.62	\$ 89,240.30	\$ 40,158.14	\$ 147,354.90	\$ 81,045.20
H's bank account	\$ 906,682.18	\$ 906,682.18	\$ 408,006.98		\$ -

H's CDP Account	\$ 3,540.00	\$ 3,540.00	\$ 1,593.00		\$ -
H's Insurance	\$ 74,855.41	\$ 74,855.41	\$ 33,684.93		\$ -
H's CPF	\$ 462,277.31	\$ 462,277.31	\$ 208,024.79		\$ -
			\$ -		\$ -
W's car	\$ 21,572.00		\$ -	\$ 21,572.00	\$ 11,864.60
W's bank accounts	\$ 664,928.65		\$ -	\$ 664,928.65	\$ 365,710.76
W's insurance	\$ 409,884.96		\$ -	\$ 409,884.96	\$ 225,436.73
W's CPF	\$ 13,518.43		\$ -	\$ 13,518.43	\$ 7,435.14

GRAND TOTAL	\$ 2,793,810.56	\$ 1,536,595.20	\$ 691,467.84	\$ 1,257,258.94	\$ 691,492.42
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NETTING OFF: TO SETTLE THE DISTRIBUTION, HUSBAND HAS TO PAY WIFE CASH OF

\$ (24.58)

ULTIMATELY, HUSBAND RECEIVES A TOTAL SHARE OF

\$ 1,536,619.78

ULTIMATELY, WIFE RECEIVES A TOTAL SHARE OF

\$ 1,257,234.36

GRAND TOTAL IS

\$ 2,793,854.14

Husband's % = 55.0	Plaintiff
Wife's % = 45.0	Defendant

DERIVATION THE DISTRICT JUDGE OF THE OVERALL RATIO BASED ON A CERTAIN WEIGHTAGE

<u>Contribution</u>	<u>Husband</u>	<u>Wife</u>	<u>Weightage</u>
Direct	59.00%	41.00%	50%
Indirect	65.000%	35.000%	50%
FINAL RATIO	62.000%	38.000%	(Final Ratio is not adjusted yet for adverse inference against the husband)

Based on an uplift of 7% in the final ratio in favour of the wife due to an adverse inference drawn against the husband by the District Judge, the wife's share is elevated to 45% and the husband's share is reduced to 55%: Final Adjusted Ratio with the **embedded 7% uplift** to be used in the table is **55%(husband):45%(wife)**

Table 4 - District Judge's 7% uplift for the wife's share in the Division of Matrimonial Assets

ITEM OF MATRIMONIAL ASSET AS AT "RELEVANT DATE"	NET ASSET VALUE ON DISTRIBUTION DATE	HUSBAND TAKES	HUSBAND OWES WIFE \$	WIFE TAKES	WIFE OWES HUSBAND \$
<p>Matrimonial flat to be sold and divided in the ratio 38%(husband):62%(wife). Based on the net value of 236,551.62 for the flat, the amount due to the husband is \$89,889.61 and the amount due to the wife is \$146,662.00. Since the wife is keeping the matrimonial flat, it is correct for the District Judge to order the wife to pay \$89,240 to the husband for the transfer of his 38% share and interest in the matrimonial flat to her. If the wife is not keeping the matrimonial flat and it is sold instead, then the wife will receive 62% of the net proceeds of sale and the husband will receive 38% of the net proceeds of sale as per the District Judge's orders.</p>	\$ 236,551.62	\$ 89,240.30	\$ 33,911.31	\$ 147,354.90	\$ 91,360.04
<p>Deemed amount of undisclosed assets held by the husband</p>	\$ 514,649.00	\$ 514,649.00	\$ 195,566.62		\$ -

H's bank account	\$ 906,682.18	\$ 906,682.18	\$ 344,539.23		\$ -
H's CDP Account	\$ 3,540.00	\$ 3,540.00	\$ 1,345.20		\$ -
H's Insurance	\$ 74,855.41	\$ 74,855.41	\$ 28,445.06		\$ -
H's CPF	\$ 462,277.31	\$ 462,277.31	\$ 175,665.38		\$ -
			\$ -		\$ -
W's car	\$ 21,572.00		\$ -	\$ 21,572.00	\$ 13,374.64
W's bank accounts	\$ 664,928.65		\$ -	\$ 664,928.65	\$ 412,255.76
W's insurance	\$ 409,884.96		\$ -	\$ 409,884.96	\$ 254,128.68
W's CPF	\$ 13,518.43		\$ -	\$ 13,518.43	\$ 8,381.43
GRAND TOTAL	\$ 3,308,459.56	\$ 2,051,244.20	\$ 779,472.80	\$1,257,258.94	\$ 779,500.54

NETTING OFF: TO SETTLE THE DISTRIBUTION, HUSBAND HAS TO PAY WIFE CASH OF

\$ (27.75)

ULTIMATELY, HUSBAND RECEIVES A TOTAL SHARE OF

\$ 2,051,271.95

ULTIMATELY, WIFE RECEIVES A TOTAL SHARE OF

\$ 1,257,231.19

GRAND TOTAL IS

\$ 3,308,503.14

Husband's % = 62.0	Plaintiff
Wife's % = 38.0	Defendant

DERIVATION THE DISTRICT JUDGE OF THE OVERALL RATIO BASED ON A CERTAIN WEIGHTAGE

Contribution	Husband	Wife	Weightage
Direct	59.00%	41.00%	50%
Indirect	65.000%	35.000%	50%
<u>FINAL RATIO</u>	<u>62.000%</u>	<u>38.000%</u>	(Final Ratio is not adjusted yet for adverse inference against the husband)

Based on an uplift of 7% in the final ratio in favour of the wife due to an adverse inference drawn against the husband by the District Judge, the wife's share is elevated to 45% and the husband's share is reduced to 55%: Final Adjusted Ratio purportedly used by the District Judge is **55%(husband):45%(wife)** with no set-off ordered by the District Judge.

This spread sheet reverse engineers the District Judge's computation. The overall Final Ratio is set at its original unadjusted final ratio of **62% (husband):38%(wife) with no uplift included.** An amount of undisclosed assets of the husband is added back into the pool, deemed to be the assets taken by the husband, such that the Excel Spreadsheet computation will show no set-off to be paid by either party to the other as has been determined by the District Judge. In this way, the amount of deemed undisclosed assets of **\$514,649** in the husband's possession can be derived from the fact that there is no set-off ordered.