



Legal Mortgage Monthly Update

August 2026

Contents	Maxine Reid-Roberts v Hsiao Mei-Lin & Anor [2026] EWHC 49 (Ch) The court held that WhatsApp and email messages did not transfer the bankrupt's 50% interest in the matrimonial home. Although the wife's family circumstances justified delaying the sale, postponement until 2032 was excessive; possession and sale were brought forward to 31 July 2027.
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Case name Neutral citation	Maxine Reid-Roberts v Hsiao Mei-Lin & Anor [2026] EWHC 49 (Ch)
Summary	The case involved appellants who were the trustees in bankruptcy of Mr G, the former husband of the respondent, Ms L. They had been joint owners of a property. In the context of divorce and financial remedy proceedings, they had exchanged WhatsApp messages about ownership of the property. The financial remedies proceedings were then heard, and judgement was reserved for an unusually lengthy period, during which Mr G was made bankrupt. The judgement, when eventually delivered, was to the effect that Mr G should transfer his share of the property to Ms L, which he could no longer do, it having vested in his trustees in bankruptcy. The trustees brought a claim for possession and sale of the property. Ms L asserted that the WhatsApp communications had operated to transfer Mr G's beneficial share to her. At first instance, the judge rejected that claim, but considered there were 'exceptional circumstances' within the meaning of s. 335A(3) of the Insolvency Act 1986, such that he would exercise his discretion to postpone the giving of vacant possession for over 8 years.
Decision On Appeal	On appeal, the Court concluded: 1. The WhatsApp messages had not transferred any beneficial interest, albeit for different reasons than those given by the judge below.

	2. There were indeed exceptional circumstances. 3. However, the judge had erred in the exercise of his discretion; a postponement of only 18 months was appropriate. Although the case is important for property lawyers generally, it has implications for lenders and their advisors for its consideration of s.53(1)(c) Law of Property Act 1925 in the context of WhatsApp messages. Although strictly obiter (as the judge concluded that the messages did not evince any intention unequivocally and immediately to relinquish an interest in the property), the judge considered that they nevertheless would not have complied with s.53(1)(c), as the name heading (relied upon as constituting a signature) applied to the whole chat rather than the individual message and was present independently of the messages, rather than being affixed by way of authentication.
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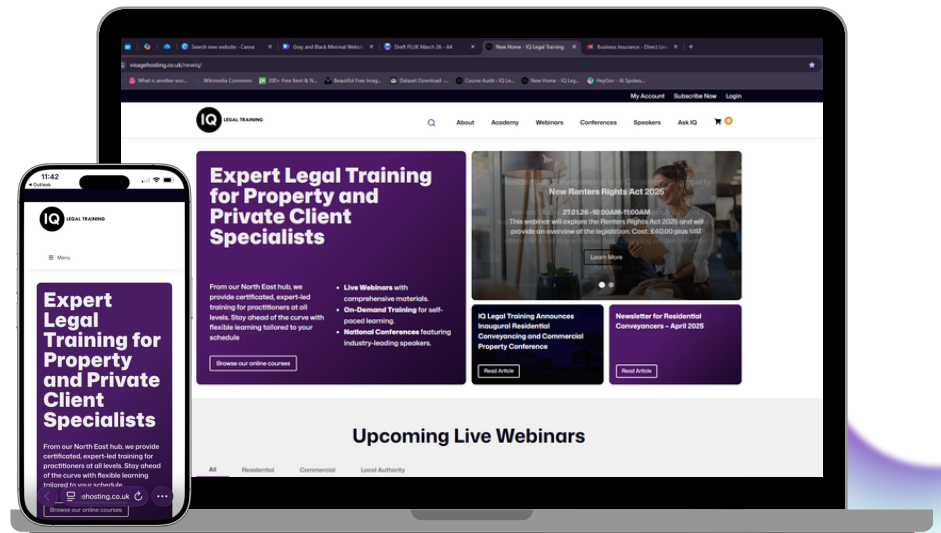
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