

NOVA SCOTIA COURT OF APPEAL

Citation: Hendrickson v. Hendrickson, 2005 NSCA 67

Date: 20050415

Docket: CA 226917

Registry: Halifax

Between:

Peter G. Hendrickson

Appellant

v.

Kim C. Hendrickson

Respondent

Judge: The Honourable Justice Nancy Bateman

Appeal Heard: April 4, 2005

Subject: *Child Support and Matrimonial Property*

Summary: The husband derived his income from corporations which he controlled. The judge imputed income substantially in excess of that reported on his T1 filing under s. 18(2) of the **Federal Child Support Guidelines**. The judge declined to divide the pre-acquired equity in a matrimonial asset in favour of the husband and declined to fix the wife with a potential liability for an aborted retirement compensation agreement structured by the husband through one of his companies. The judge ordered each party to pay his/her own costs subject to the husband's responsibility for 70% of the wife's disbursement for expert evidence. The husband appealed on these issues.

Issue: Did the judge err in each of these respects?

Result: Appeal dismissed with costs. The judge did not err in attributing

income for child support purposes, nor in the division of the assets. Alleged retirement scheme liability only speculative at time of trial. The judge did not have sufficient information to determine the reasonableness of the amount of the disbursement, however, wording of the judgment did not preclude taxation. The husband is permitted to tax the amount of the disbursement before the trial judge, should he elect to do so, within 15 days.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 7 pages.