

NOVA SCOTIA COURT OF APPEAL

Citation: MacLane v. MacLane, 2005 NSCA 89

Date: 20050601

Docket: CA 244796

Registry: Halifax

Between:

Julie Anne MacLane

Appellant

v.

Frederick MacLane

Respondent

Judge: The Honourable Justice Cromwell

Appeal Heard: June 1, 2005

Written Judgment: June 6, 2005

Subject: Settlement agreements – enforcement

Summary: The parties read a detailed settlement agreement of their divorce and matrimonial property proceedings into the court record. The appellant submitted a draft corollary relief judgment reflecting the agreement. The respondent made submissions to the judge that resulted in the judge refusing to sign the order. The appellant appealed the refusal to enforce the settlement.

Issue: Was there a right of appeal? Was there a complete and final agreement to settle the litigation?

Result: Appeal allowed and corollary relief judgment issued. The court had jurisdiction to hear the appeal which in essence was from an order dismissing an application for judgment in accordance with a settlement agreement. The agreement read into the court record and endorsed by both parties was a complete agreement which ought to have been enforced.

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 2 pages.