

FLINN, J.A.:

This appeal, by the appellant husband, arises out of an application by him, in the Supreme Court, for an unequal division, in his favor, of matrimonial assets. The respondent wife sought an equal division.

The parties had lived together, on a common law basis, and, following that, as a married couple, for 2 years and 10 months prior to their separation in July, 1995. The value of the matrimonial assets, at the time of separation, was \$138,125.00 plus the value of certain furniture.

Justice Hamilton ruled:

1. That the wife should retain her automobile, and her furniture, both of which she brought into the marriage;
2. That the husband pay to the wife the sum of \$15,000.00;
3. That the husband be responsible for matrimonial debts (approximately \$22,000.00); and
4. That the husband pay to the wife \$1000.00 in suit costs, and costs of the application in the amount of \$500.00.

Considering all of the circumstances of this case, we are of the unanimous opinion that Justice Hamilton's ruling is not clearly excessive, in the wife's favor; nor is it inequitable to the husband, as was the case in **Roberts v. Shotten** (1997), 156 N.S.R. (2d) 47 (N.S.C.A.). Therefore, we are not prepared to interfere with her

ruling.

The appeal is dismissed. The appellant will pay to the respondent her costs of this appeal which are hereby fixed at \$750.00 inclusive of disbursements.

Flinn, J.A.

Concurred in:

Jones, J.A.

Chipman, J.A.

