

Date: 19981203

Docket: CA 149149

NOVA SCOTIA COURT OF APPEAL  
Cite as: Saunders v. Oceanus Marine Inc., 1998 NSCA 218

**Chipman, Hart and Flinn, JJ.A.**

**BETWEEN:**

EDMUND R. SAUNDERS

Appellant

**- and -**

OCEANUS MARINE INCORPORATED

Respondent

)  
)  
) Appellant appeared  
) in person  
)  
)

)  
) G.F. Philip Romney  
) for the Respondent  
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) Appeal Heard:  
) December 3, 1998  
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) Judgment Delivered:  
) December 3, 1998  
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**THE COURT:**

The appeal is dismissed with costs in the amount of \$750.00 inclusive of disbursements as per oral reasons for judgment of Chipman, J.A.; Hart and Flinn, JJ.A., concurring.

The reasons for judgment of the Court were delivered orally by:

**CHIPMAN, J.A.:**

The appellant appeals from a decision of Carver, J. which in effect rectified an error in an execution order, obvious on its face.

The order was directed to the Sheriff of Lunenburg County requiring the sale of real and personal property of the appellant. Prior to the scheduled sale of real property, counsel for the appellant tendered an amount which he considered was in full satisfaction of the execution order. It appeared to the Sheriff that there was an error in the order and he delayed the sale of land pending an order from Carver, J. giving directions. That order corrected the obvious error in the execution order.

We are satisfied that the order of Carver, J. was correct in its result. The appeal is dismissed with costs which we fix at \$750.00 inclusive of disbursements.

Chipman, J.A.

Concurred in:

Hart, J.A.

Flinn, J.A.