

NOVA SCOTIA COURT OF APPEAL
Cite as: Carter v. Osborne, 1996 NSCA 233
Hallett, Roscoe and Bateman, JJ.A.

BETWEEN:

DAVID F. CARTER, MYRA HOLZER,
JACK RAFUSE, DAVID A. CARTER
and PAULA CARTER

Appellants

- and -

GLEND A OSBORNE and
R. SHANE SUTHERLAND

Respondents

Appellants not appearing

Respondents not appearing

Appeal Heard:
November 21, 1996

Judgment Delivered:
November 21, 1996

THE COURT: Appeal dismissed per oral reasons for judgment of Hallett J.A.;
Roscoe and Bateman JJ.A. concurring.

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

HALLETT, J.A.:

A notice of appeal has been filed in connection with a decision and Order of Justice David W. Gruchy dated June 14, 1996, in action S.H. No. 93-2378. The notice of appeal shows the appellants address as 5 Strawberry Lane, Mineville, N.S., B2Z 1K6.

The record of the Court indicates that on August 2nd, 1996, the supervisor of the Nova Scotia Court of Appeal mailed a notice to the appellant at this address advising him that the appeal would be heard at The Law Courts, Upper Water Street on November 21st, 1996 at 2 p.m.

The Notice also advised the appellant that the Appeal Book was to be filed by September 20th and the appellant's factum by the 18th of October. Nothing other than the Notice of Appeal has been filed in these proceedings. Mr. Carter has not appeared on the appeal. The appeal is dismissed.

Hallett, J.A.

Concurred in:

Roscoe J.A.

Bateman J.A.

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Appellants)

- and -)

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Respondents)

REASONS FOR
JUDGMENT BY:

HALLETT J.A.
(Orally)