

**CASE NO.**

**VOLUME**

**PAGE**

**Cite as: Rhodenizer v. Rhodenizer, 1998 NSCA 137**

ELEANOR E. RHODENIZER

KATHLEEN LOUISE RHODENIZER

- and -

(Appellant)

(Respondent)

C.A. No. 145427

Halifax, N.S.

BATEMAN, J.A.  
(Orally)

APPEAL HEARD:

June 17, 1998

JUDGMENT DELIVERED:

June 17, 1998

WRITTEN RELEASE OF ORAL:

June 18, 1998

SUBJECT:       **Vacant possession**

SUMMARY:

First wife of deceased had occupied the former matrimonial home since the divorce pursuant to a clause in the old Decree Absolute. Third wife of deceased, to whom he had deeded his interest in the former matrimonial home as a joint tenant, applied to the court for vacant possession of the property. Chambers judge held that the question of the two wives' respective interest in the property must first be determined on a separate application.

ISSUES:

Did the Chambers judge err in refusing to grant vacant possession at that time?

RESULT:

Appeal dismissed. No error on the part of the Chambers judge.

**This information sheet does not form part of the Court's decision. Quotes must be from the decision, not this cover sheet. The full court decision consists of 5 pages.**