

**CASE NO.**

**VOL. NO.**

**PAGE**

MICHAEL DANIEL SAMPSON

- and -

LESLEY DAWN SAMPSON

(Appellant)

(Respondent)

CA 155011

Halifax, N.S.

BATEMAN, J.A.

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[Cite as: Sampson v. Sampson, 1999 NSCA 136]

**APPEAL HEARD:**

October 4, 1999

**JUDGMENT DELIVERED:**

November 12, 1999

**SUBJECT:**      **Family law - division of assets, spousal support**

**SUMMARY:**

On a divorce, judge divided matrimonial assets and debts equally as to value but postponed husband's realization of his share until daughter completes schooling (5 years). Co-tenancy in matrimonial home continued until same time, with wife having the right to buy out husband's interest in home at current market value. Husband ordered to pay a monthly contribution to upkeep of home.

**ISSUE:**

Should the division of assets be adjusted to provided for immediate realization of husband's interest and cessation of monthly contribution?

**RESULT:**

As neither party questioned the court's jurisdiction to order a continuing co-tenancy on divorce, pursuant to s.11 of the **Matrimonial Property Act**, issue not conclusively determined. In these circumstances, however, the appeal was allowed to the extent of determining ownership of the home, with a postponed mortgage back to husband. Contribution to monthly upkeep terminated, but order for limited term spousal support granted. No costs.

**This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 14 pages.**