ANDREW G. VERMEULEN   - and -   JANET FRANCINE VERMEULEN

(Appellant)   (Respondent)

CA 152546   Halifax, N.S.   Glube, C.J.N.S.

APPEAL HEARD: May 25, 1999

JUDGMENT DELIVERED: June 4, 1999

SUBJECT: **DIVORCE: lump sum awards; imputing income; spousal support**

SUMMARY: Parties separated after 13 years of marriage and two children. Husband farmed, wife worked as a secretary for two years until first child born. Parties had a farm partnership - the wife kept the books and marketed the produce for several years until the marketing was taken over by another company. Wife took a banking technology course and in 1992 obtained a permanent part-time job with a bank where she continues to work, earning $18,000 a year. Upon separation, the husband dissolved the partnership and rented the farm and assets, starting a new business. He paid all the farm debt. Mother and children living in the farm house which is part of the farm property. Trial judge divided the assets without real knowledge of the values of the farm. Farm and debt to Mr. Vermeulen. Mother and the children are still in the home. After imputing income to Mr. Vermeulen of $30,000, the trial judge awarded child and spousal support and a $10,000 lump sum for a downpayment on a home and to expand Ms. Vermeulen's career potential.

ISSUES: Was there an error in law in

1) awarding a lump sum?

2) imputing $30,000 as gross income and awarding child support on that basis?

3) awarding spousal support of $526.00 a month?

HELD: 1) Trial judge awarded lump sum for establishing a new home and to expand Ms. Vermeulen's career potential. No evidence of immediate need for funds for home. No evidence of any funds being required to upgrade herself. Appeal allowed on lump sum award.

2) Imputing income of $30,000 upheld.

3) Spousal support upheld.

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 ___15___ pages.