

IN THE SUPREME COURT OF NOVA SCOTIA
Citation: Chender v. Lewaskewicz, 2007 NSSC 104

Date: 20070403
Docket: SN228256
Registry: Sydney

Between:

Robert Chender and Amy Chender

Plaintiffs/Respondents

v.

Klara Lewaskewicz

Defendant/Applicant

-and-

Henry Lewaskewicz and Georgina Lewaskewicz

Defendants

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Judge: The Honourable Justice Charles E. Haliburton

Heard: November 14, 2006 and December 18, 2006, in Sydney, Nova Scotia

Written Decision: April 3, 2007

Subject: Application to set aside a consent order.

Summary: In an action brought for specific performance of an agreement to sell land (right of first refusal), counsel negotiated a settlement which was finalized by a consent order approved by the court. Klara Lewaskewicz was a party to the action but was not in fact consulted by defense counsel in the course of negotiation/settlement. Klara conveyed the property to other defendants before settlement.

Issue: Undue influence / *non est factum* / elderly clients / jurisdiction of court to set aside consent order.

Result: Application denied.

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