

SUPREME COURT OF NOVA SCOTIA

Citation: Patton v Smithfield Estates Inc., 2015 NSSC 147

Date: 051515

Docket: *Truro*, No. Tru No. 416334

Registry: Truro

Between:

Mark E. Patton and Carol Kostynksi

Plaintiffs

v.

Smithfield Estates Inc, Sarah Robinson, Jennifer
Robinson and Patrick O'Neil

Defendants

and

TCT Mortgage Group Inc.

Third Party

Judge: The Honourable Justice C. Richard Coughlan

Heard: January 21, 2015, in Truro, Nova Scotia

Decision: January 21, 2015

Written Release May 15, 2015

of decision:

Counsel: Geoffrey Franklin/Joshua Santimaw, for the Plaintiff, Carol
Kostynski

Mark Patton, Self-represented

Jonathan Saumier, for the Defendants, Smithfield Estates Inc,
Sarah Robinson and Jennifer Robinson;

Andrew Fraser for Third Party, TCT Mortgage Group Inc.

LIBRARY HEADING

Subject: Summary Judgment

Summary: The defendant Smithfield Estates Inc. mortgaged lands to the plaintiffs. The other defendants guaranteed the mortgage. Smithfield attempted to arrange new financing but it was unsuccessful. The plaintiffs commenced a foreclosure action. Smithfield and two other defendants filed defences and added the mortgage broker as a third party. The plaintiffs and third party moved for summary judgment.

Issues: (1) Is this an appropriate case for summary judgment?

Result: There are no issues of material fact in dispute and the defendants have not shown their defence has a real chance of success. Summary Judgment is granted.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***