

**SUPREME COURT OF NOVA SCOTIA**  
**(FAMILY DIVISION)**

**Citation:** *Klefenz v. Klefenz*, 2015 NSSC 196

**Date:** 20150702  
**Docket:** 1201-066790  
**Registry:** Halifax

**Between:**

Dawn Marie Klefenz

Petitioner

v.

Byron Kees Klefenz

Respondent

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice Beryl MacDonald

**Heard:** April 20 and 21, 2015, Halifax Nova Scotia

**Written Decision:** July 2, 2015

**Keywords:** Family, Divorce, Business Assets, Unequal Division of Matrimonial Assets, Determination of Income, Spousal Support Guidelines

**Legislation:** *Matrimonial Property Act*, R.S.N.S. 1989, c.275, s. 13, s.18

**Summary:** Parties had an 18 year marriage. The Father worked for years for V\*\*\*C\*\*\*, an unincorporated business owned by one person. That owner was not the Husband. Shortly before the parties separated the owner of V\*\*\*C\*\*\* received an offer to sell this business. To do so he incorporated that business and gave shares to the Husband. As a result the Husband became an owner and received assets as a result of that sale, including shares in the new company created. The Wife alleged the assets received including the shares were matrimonial assets, and if not, she had an interest in them because of her contribution to their acquisition, or she should have an interest because it would be unconscionable to decide otherwise. No interest in the assets was granted to the Wife. Matrimonial assets were divided unequally in the Wife's favour. Child support was ordered. A different income was applied for spousal support. The Wife had a significant compensatory claim to spousal support. Spousal support was to continue indefinitely.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
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