

IN THE SUPREME COURT OF NOVA SCOTIA
IN BANKRUPTCY AND INSOLVENCY
Citation: Mullin (Re), 2007 NSSC 295

Date: October 15, 2007

Docket: B-29561

Registry: Halifax

District of Nova Scotia
Division No. 03 - Sydney
Court No. 29561
Estate No. 51-038195

**IN THE MATTER OF THE BANKRUPTCY OF
MARY LOUISE MULLIN**

LIBRARY HEADING

Registrar: Richard W. Cregan, Q.C.

Heard: September 6, 2007

Written Decision: October 15, 2007

Subject: Bankrupt applied to the court to have the condition of discharge that she pay her estate \$3200 cancelled under Section 172(3) or Section 187(5) of the *Bankruptcy and Insolvency Act*, so that she could make a new assignment in bankruptcy with respect to substantial post bankruptcy matrimonial debts for which she is now solely responsible, her estranged husband having made an assignment.

Summary: The condition that the bankrupt pay \$3200 follows from her bankruptcy being primarily driven by student loans. She now has a good income and would normally be expected to have to

pay this sum to obtain her discharge.

Issue: Should she be relieved of this condition?

Result: No creditor appeared to object to this condition being cancelled. With the new debts, the court was of the view that there was no probability of her being able to pay the sum. The condition was cancelled and discharge was granted.

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