

IN THE SUPREME COURT OF NOVA SCOTIA
IN BANKRUPTCY AND INSOLVENCY
Citation: Johnson, Re, 2006 NSSC 384

Date: December 19, 2006

Docket: 22623

Registry: Halifax

District of Nova Scotia
Division No. 1 - Halifax
Court No. 22623
Estate No. 51-084662

In the Matter of the Bankruptcy of Verna Valerie Johnson

LIBRARY HEADING

Registrar: Richard W. Cregan, Q.C.

Heard: September 29, 2006

Written Decision: December 19, 2006

Subject: Whether a trustee should be allowed to maintain a caveat on the bankrupt's home after it is discharged.

Summary: The bankrupt made an assignment on the understanding that the Trustee would not be asserting a claim on her interest in a home which she and her husband held as joint tenants. She deposed that the Trustee had given her assurances that it would not. They continued to live in the home assuming the Trustee would not be asserting a claim and governed themselves accordingly.

Issue: However, five years after her discharge the Trustee having taken no significant action moved for it's discharge with right

to maintain a caveat against the home.

Result:

It was held that as a result of the representations made by the Trustee throughout the administration of the estate it was estopped from asserting any right to the home.

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