

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** *Lockhart v. Lockhart*, 2008 NSSC 271

**Date:** 20080915

**Docket:** 1204-004666

SKD-055825

**Registry:** Kentville

**Between:**

**Eloise Gerene Lockhart**

Petitioner

- and -

**Anthony William Lockhart**

Respondent

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**Judge:** The Honourable Justice Gregory M. Warner

**Heard:** August 25, 2008 in Kentville, Nova Scotia; Oral decision on August 28, 2008

**Subject:** Family Law - Mobility Case

**Issue:** Mobility and Variation of Custody

**Summary:** Mom was a stay at home parent and primary care giver for three children (ages 10, 7 and 6). Dad, a teacher, was very involved with the children. On separation, Mom commenced retraining for a career. Dad could not afford to pay sufficient spousal support to Mom to remain in the Windsor area. Mom's parents offered to house Mom and children on their farm near Oxford while Mom retrained. Dad opposed move and sought primary care. A court ordered parenting assessment proposed shared parenting and that mom not relocate.

**Result:** Mom's mobility application was granted. Dad's application for primary care was dismissed. *Gordon v. Goertz* explained and applied.

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