

IN THE SUPREME COURT OF NOVA SCOTIA  
[Citation: Wagstaff v. Wagstaff, 2002 NSSC 256]

**Date:** 20021128  
**Docket:** 1207-002098  
**Registry:** Truro

**Between:**

Douglas Wagstaff

Petitioner

v.

Margaret Wagstaff

Respondent

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice J. E. Scanlan

**Heard:** September 18 & 19 and November 27 & 28, 2002

**Oral Decision:** November 28, 2002

**Written Decision:** December 11, 2002

**Subject:** Divorce

**Issues:**  
Access

Division of matrimonial property:  
(a) whether bank accounts in excess of \$200,000.00  
were matrimonial assets or exempt from division as

inherited property.

(b) if the bank accounts are matrimonial assets what is appropriate division?

Respondent's failure to disclose assets.

Costs

- Result:**
- (1) Primary care to the Respondent but periods of exclusive custody to the Petitioner. Respondent undermining earlier access attempts. Obvious harm to child resulting from Respondent's attempt to paint Petitioner in a negative light.
  - (2) Equity in home and contents divided equally after appropriate deductions. One bank account held to be matrimonial asset but largely undivided as it was maintained almost exclusively as an inheritance account. Second account held to be a matrimonial asset and subject to division. Account had substantial contributions through family allowance and child tax credits. Smaller chequing account - operating account divided. Transfer of approximately \$216,000.00 to Respondent's brother held to be an unacceptable attempt to deny the Petitioner of his share of matrimonial assets.

Costs: \$3,500.00 against the Respondent owing to her conduct in increasing complexity and length of proceedings.