

IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Cramm v. Mason-Cramm, 2009 NSSC 339

Date: 20091119

Docket: 1201-61929 (SFHD-54086)

Registry: Halifax

Between:

Dennis Edward Cramm

Applicant

v.

Marcienne Mason-Cramm

Respondent

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Judge: The Honourable Justice Leslie J. Dellapinna

Heard: November 10, 2009 in Halifax, Nova Scotia

Subject: Application to vary child and spousal support pursuant to section 17 of the *Divorce Act*.

Summary: The parties were divorced in December 2008 after a marriage of approximately 23 years.

The Applicant (former husband) was an engineer by profession. The Respondent (former wife) was an R.N..

The parties had four children. Only the youngest, who was then 17, was considered a “child of the marriage”.

After a three day trial in September 2008 it was ordered that the Applicant pay to the Respondent child support in the sum of \$1,068.00 per month based on an income of \$130,898.96. He was also ordered to pay spousal support in the sum of \$2,700.00 a month and the Respondent was to make diligent efforts to attain self-sufficiency as soon as reasonably possible with a review date set a year later with a view at that time to reducing if not terminating the Respondent’s spousal support entitlement.

The Respondent admitted that she could obtain employment in a hospital setting but found the work too stressful and therefore decided to begin her own foot care business. She anticipated having enough clients within a relatively short period of time to become self-sufficient.

The Applicant now sought to terminate the spousal support on the basis that the Respondent should now be self-sufficient with the income from her business or alternatively should return to nursing in a hospital setting. He also sought to reduce the child support based on his reduced income.

Issues:

Should child support be reduced?

Should spousal support be varied and/or terminated?

Result:

The table amount of child support in the sum of \$968.00 per month was ordered. The Applicant had accepted a new job which paid less money (\$117,000.00 each year) explaining that he too sought employment that was less stressful.

The spousal support was reduced to \$1,600.00 a month for six months then \$800.00 a month for six months after which it would terminate.

The Respondent's foot care business was viable and was growing. She had reduced her dependency on the Applicant and it was estimated that she would be self-sufficient in another year.

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