

SUPREME COURT OF NOVA SCOTIA

Citation: *Fraser v Fraser*, 2011 NSSC 178

Date: 20110519

Docket: 1205-002925

Registry: Pictou

Between:

Darcy Lynn Fraser

Petitioner

v.

Eric Eugene Fraser

Respondent

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Judge: The Honourable Justice Charles Haliburton

Heard: February 21 and 22, 2011 at Pictou, Nova Scotia

Written Decision: May 19, 2011

Subject: Family Law - Divorce and Division of Assets

Summary: The parties had a ten-year marriage with two children. The husband was involved in an accident during the marriage which resulted in a disability insurance invested in the names of the parties jointly. The parties currently have shared custody. Shared custody is proving to be unsatisfactory.

Issue:

1. Is the disability insurance invested in the joint names a business or matrimonial asset?
2. If shared parenting does not continue, what should the custody and access of the children be?

Result: It was found that the disability insurance is a business asset. The wife was determined to be a joint owner only as trustee for husband.

Joint custody is ordered with primary residence to be with the husband.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***