

IN THE SUPREME COURT OF NOVA SCOTIA
[Cite as: deSwart v. deSwart, 2002 NSSC 224]

DELLE MELANIE deSWART v. JACOBUS JOHANNUS MARIA deSWART

Justice Allan P. Boudreau Kentville, Nova Scotia S.K. No. 1204-002702

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HEARD: At Kentville, Nova Scotia, on September 23 - 27, 2002.

DECISION: Orally, September 27, 2002

SUBJECT: Matrimonial Law - Divorce - Division of Property.

ISSUES: In this divorce the only issue is the division of assets.

SUMMARY: The parties were married some thirty years and operated several farming enterprises together over that period. They owned four properties totalling in excess of 500 acres on which they operated a horse breeding and a fox farming operation. Awarding all to one party rendered it improbable that an equalization payment could be organized in the poor financial circumstances of the farm and the parties.

RESULT: Decided only just and practical way to divide the assets was to make a physical division. Awarded the fox farming operation to the husband and the horse breeding operation to the wife, along with the respective properties on which the operations were being conducted. (Fact Specific).

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