

**SUPREME COURT OF NOVA SCOTIA**  
**Citation:** Andrist v. Andrist, 2011 NSSC 194

**Date:** 20110525  
**Docket:** 1204-005025  
Ken No. 064361  
**Registry:** Kentville

**Between:**

Sharon Elaine Andrist

Petitioner

v.

Michael Douglas Andrist

Respondent

**Judge:** The Honourable Justice C. Richard Coughlan

**Final Written  
Submissions:** April 15, 2011

**Written Decision:** May 25, 2011

**Counsel:** Thomas R. MacEwan, for the Petitioner  
Angela A. Walker and Brian F. Bailey, for the  
Respondent

**Coughlan, J.:**

[1] In a decision issued March 3, 2011, I determined various issues concerning the division of matrimonial assets between Sharon Elaine Andrist and Michael Douglas Andrist. I then set out a summary of the division of assets, repayment of maintenance made by Mr. Andrist and reimbursement of funds. Subsequently, I received correspondence from Ms. Andrist's counsel raising two issues concerning the summary. Mr. Andrist's counsel responded to the issues.

[2] Firstly, the net proceeds of the sale of the matrimonial home was \$106,236.46. Mr. Andrist had taken \$18,500.00 from the joint account in the parties' names, which sum was to be reimbursed to Ms. Andrist. If Mr. Andrist is credited with the \$18,500.00, Ms. Andrist submits the amount of the proceeds of the matrimonial home to be credited to her in the division of assets should be reduced from \$106,236.46 to \$87,736.46 to account for the \$18,500.00 Mr. Andrist had already received. I agree.

[3] Secondly, Ms. Andrist says the decision did not include reimbursement of the amount of spousal support paid directly to the Director of Maintenance Enforcement. The decision did not deal with the spousal support collected by the Director of Maintenance Enforcement as it was dealt with by an order dated August 23, 2010. The repayment of the amount of spousal maintenance paid directly to the Director of Maintenance Enforcement is in addition to any other equalization payment required to bring about an equal division of the matrimonial assets.

[4] The following is a summary of the division of assets, excluding the repayment of the spousal support paid directly to the Director of Maintenance Enforcement, which is the subject of a separate order:

**SUMMARY**  
**MATRIMONIAL ASSETS AND REPAYMENT OF FUNDS**

	<b>Ms. Andrist</b>	<b>Mr. Andrist</b>
Matrimonial home, Centreville, Nova Scotia (Net Proceeds \$106,236.46 less money withdrawn from account by Mr. Andrist of \$18,500.00)	\$87,736.46	
Money withdrawn from Joint Account - May 8, 2009		\$18,500.00
Property, Big Island, Pictou County, Nova Scotia		91,215.00
2002 Dodge Caravan	4,000.00	
Smart Car		15,000.00
Money paid to Mr. Andrist - August, 2008		7,000.00
Reimbursement of maintenance paid directly to Ms. Andrist by Mr. Andrist, less mortgage overpayments and allowance re Mr. Andrist's use of joint account	24,389.52	
<b>Sub-Total</b>	\$116,125.98	\$131,715.00
<b>Equalization Payment</b>	\$7,794.51	(\$7,794.51)
<b>Total</b>	\$123,920.49	\$123,920.49

[5] Mr. Andrist is to pay to Ms. Andrist an equalization payment of \$7,794.51. The amount of the spousal support paid directly to the Director of Maintenance Enforcement, which Ms. Andrist is to reimburse Mr. Andrist as a result of the order dated August 23, 2011, is to be set off against the equalization payment.

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Coughlan, J.