

CASE NO.

VOL. NO.

Cite as *Centennial Realties v. Spiropoulos, 2001 NSSC 155*

Centennial Realties by its lawful assignee, James Georgantas

-and-

Danai Spiropoulos (sometimes also known as Danai Spire or Spiro) and
Sophia Spiropoulos (sometimes also known as Sophia Maxwell) and
Arthur Spiropoulos of Halifax in the Province of Nova Scotia

Associate Chief Justice M. MacDonald

S.H. 165787

LIBRARY HEADING
(Chambers Decision)

HEARD: before the Honourable Associate Chief Justice Michael MacDonald in
Halifax, Nova Scotia on August 15, 2001

ORAL DECISION: August 15, 2001

WRITTEN RELEASE

OF DECISION: December 5, 2001

SUBJECT: Fraudulent Conveyance, *Statute of Elizabeth*, Practice. Summary Judgment
Application

SUMMARY: The Plaintiff/Applicant is a creditor of the Defendant Arthur Spiropoulos. Arthur Spiropoulos conveyed certain real estate to his daughters, the Defendants Danai Spiropoulos and Sophia Spiropoulos. The Plaintiff/Applicant has commenced an action under the *Statute of Elizabeth* to set aside this conveyance as being fraudulent. He has now applied for this same relief by way of summary judgment.

ISSUE: The merits of the application.

RESULTS: Application for Summary Judgment was allowed applying the threefold test set out in *Bank of Montreal v. Crowell and Crowell* (1980), 37 N.S.R. (2d):

- (a) The conveyance was without consideration,
- (b) It had the intention to delay a creditor and
- (c) the effect of delaying a creditor.

The Defendants failed to raise an arguable issue on any of these matters. *Carl B. Potter Ltd. v. Antil Canada Ltd. Mercantile Bank of Canada* (1976), 15 N.S.R. (2d) 408; *The Bank of Nova Scotia v. Dobrowski*, (1977), 23 N.S.R. (2d) 532; and *Ocean Contractors Ltd. v. Acadian Construction Ltd.* (1991), 107 N.S.R. (2d) 366.

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