

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Cochran v. McBean-Cochran, 2012 NSSC 79

Date: 20120228
Docket: 1201-55649
Registry: Halifax

Between:

Andrew Cochran

Applicant

v.

Brenda McBean-Cochran

Respondent

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Judge: The Honourable Justice Moira C. Legere Sers

Heard: December 1 and 2, 2011 in Halifax, Nova Scotia

Subject: Contested application to retroactively review and terminate spousal support.

Summary: CRJ amended orally due to material changes in circumstances relating to changes in applicant's financial circumstances.

Issue: CRJ signed June 14, 2001; incorporated a December 2000 Agreement and Minutes of Settlement. Material change in the financial state of applicant occurred in 2002 resulting in a significant reduction in spousal support payments from May 2002 forward. Applicant reinstated in 2007 to an income level from all sources closer to his income at the time of the Agreement. No formal change in the order was made. Respondent began enforcement procedures through Maintenance Enforcement in 2009 resulting in significant assessed arrears.

Result: Retroactive analysis of circumstances. Retroactive assessment of arrears prohibitive and onerous in these circumstances. Reassessment resulted in a retroactive reduction in spousal support award from January 2009 forward with security provided by way of insurance.

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