

**SUPREME COURT OF NOVA SCOTIA**  
**(FAMILY DIVISION)**

**Citation:** Armoyan v. Armoyan, 2012 NSSC 317

**Date:** 20120905

**Docket:** HFD 1201-065036

SFHCIV-070342

SFHMCA-068981

**Registry:** Halifax

**Between:**

Vrege Sami Armoyan

Petitioner

v.

Lisa Armoyan

Respondent

**Judge:** The Honourable Justice Douglas C. Campbell

**Heard:** Jurisdiction Hearing: October 24, 25, 26, 27, 2011 and  
August 20, 21, 22, 23, 24, 2012 in Halifax, Nova Scotia

**Counsel:** Gordon R. Kelly and Stacey O'Neill for the Petitioner  
Mary Jane McGinty and Christine Doucet for the Respondent

**By the Court:**

[1] Among the issues sought by the Petitioner to be heard eventually by this Court are the granting of the Divorce itself, spousal support, child support, property division, which includes questions of the validity of and conscionability of a marriage contract, and the *Lis Pendens* on title to the former Matrimonial Home and its related action claiming slander of title. Except for the *Lis Pendens* claims, the same issues are before the Circuit Court of the 15<sup>th</sup> Judicial Circuit in and for Palm Beach County, Florida, hereinafter referred to as the "Florida Court".

[2] This Court is aware of the fact that the Florida Court has already accepted and is willing to exercise jurisdiction with respect to the issues. This Court must decide whether it has jurisdiction over the issues and if so, whether it should exercise jurisdiction in respect of those issues.

[3] Evidence relating to these jurisdictional questions was heard by this Court on October 24, 25, 26 and 27, 2011. Additional court time was needed and the matter was adjourned to dates in February 2012. The Respondent wife applied to adjourn those dates when personal circumstances affecting her solicitor in Nova Scotia overwhelmed its continuance. The case was then adjourned to August 21-24, 2012, subject to the condition that the Respondent would refrain from advancing the Florida proceeding regarding jurisdiction until my decision was made on jurisdiction.

[4] That adjournment decision was appealed. The outcome of the pending Nova Scotia Court of Appeal decision regarding that condition would not affect my decision today because there is no changing the fact that the adjournment will have severely prejudiced the husband unless the wife abided by my direction that she should not advance her case in Florida. I have evidence that the Florida Court has accepted jurisdiction over the issues.

[5] In the face of these developments and arguments, I am asked to, on the one hand, hold that this Court has no jurisdiction or to defer jurisdiction, if it exists, in favour of the Florida Court. On the other hand, I am asked to accept jurisdiction

on all of the issues before me in spite of the acceptance of jurisdiction by the Florida Court.

[6] After hearing all of the evidence and legal arguments on behalf of both parties, I have decided that I have jurisdiction in respect of all of the issues before me and that I should and must exercise that jurisdiction in all matters pleaded except with respect to matters involving the custody and parenting issues relating to the children of the marriage. In other words, I must and shall accept and exercise jurisdiction to decide the issues after a trial with respect to the following matters:

1. The dissolution of the marriage and the request for a Divorce Order;
2. Determination of the validity of the "marriage contract", so-called and whether its terms should be adopted or varied in whole or in part;
3. Generally, the division of assets of the marriage if that were to include a variation of the terms of the marriage contract;
4. Quantification of spousal support if the marriage contract terms are varied;
5. Quantification of child support;
6. Registration of the marriage contract in Nova Scotia;
7. The outcome of the *Lis Pendens* Proceeding and the corresponding claim for slander of title regarding the matrimonial home property at Halifax, Nova Scotia; and
8. Such other relief that may arise from the matrimonial dispute between the parties.

[7] Detailed reasons for my conclusions, above noted, will be provided in a subsequent addendum to this decision. The Florida Court is scheduled to rule today on the merits so I felt compelled to make known my decision before that ruling occurs, even though time does not permit me to offer reasons until later.

[8] In reaching this decision, I am concerned that there will be a period of time between today's date and the completion of the trial on the merits, during which there will be no Nova Scotia decision with respect to the quantification of Child Support and/or Spousal Support if applicable. It is clear to this Court that there should be no void in such payments between today's date and the date when those issues are ultimately determined by this Court. The children, at the very least, and probably their mother are entitled to be supported in that time frame.

[9] To deal with this concern, this Court takes note that the separate Maintenance Order in the Florida Court would be intended there to have ongoing effect. There has been a history of nonpayment of that existing order. This should be remedied by the Petitioner in some way and he will be accountable to this Court for any failure to do so unless he can show cause why he has not volunteered a support regime for the family. A second comfort lies in the knowledge that the trust fund for the Respondent as contemplated in the marriage contract is in place (albeit fraught with certain cash flow difficulties).

[10] Full reasons and greater direction will come from this Court's addendum to this decision, jurisdiction for which is hereby reserved.

CAMPBELL, J.