

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: MacDonald v. MacDonald, 2013 NSSC 94

Date: 20130311

Docket: 1217-000777

Registry: Halifax

Between:

Paulette MacDonald

Applicant

v.

Pius MacDonald

Respondent

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Judge: The Honourable Justice Moira C. Legere Sers

Heard: January 22, 2013, in Port Hawkesbury, Nova Scotia

Subject: Validity of Separation Agreement

Issue: What, if any, evidence exists to nullify agreement.

Summary: 33 year marriage. Separation agreement drafted by the wife's counsel. The wife waived pension entitlement and spousal support. Two years later, the wife seeks to nullify the agreement based on domestic violence.

Result: Insufficient evidence to nullify agreement or complete the 2nd stage of Milgin test. (**Miglin v. Miglin**, 2003 SCC 24)

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