

IN THE SUPREME COURT OF NOVA SCOTIA
Citation:[Spencer v. (Spencer) Burris, 2004 NSSC 6]

Date: 20040109

Docket: 1207-001553 - STD - 024409

Registry: Truro

Between:

Randall Olie Spencer

Petitioner

v.

Donna Rae (Spencer) Burris

Respondent

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Judge: The Honourable Justice Douglas L. MacLellan

Heard: October 27 to October 29, 2003 in Truro, Nova Scotia

Subject: **Family Law - Divorce** - Involving child support issues and property division.

Summary: Parties separated in 1996. Four children of the marriage stayed with the petitioner in matrimonial home. Respondent did not pay child support. Petitioner claimed retroactive child support based on times when children still considered children of marriage. Matrimonial home on property owned by petitioner's mother and therefore dispute between parties as to its value. Respondent made claim against blueberry business operated by the petitioner and the children.

Issue: What was appropriate child support respondent should have paid from date of separation to date of trial based on her income during these years and when did children cease to be children of the marriage? Does respondent have claim to blueberry business?

Result: Court determined respondent's income for each year since separation and ordered retroactive child support based on that income. Arrears determined to be over \$19,000.00. Respondent's claim to blueberry business dismissed because it was a business asset. Respondent's share of other matrimonial assets determined and subtracted from child support arrears.

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