

IN THE SUPREME COURT OF NOVA SCOTIA
Citation: *MacDonnell v. MacDonnell*, 2005 NSSC 227

Date: 20050812
Docket: S.T. 1207-002579 (032879)
Registry: Truro

Between:

Gerald Michael MacDonnell

Petitioner

v.

Michelle Christine MacDonnell

Respondent

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Judge: The Honourable Justice Walter R.E. Goodfellow

Heard: June 27, 2005 in Halifax, Nova Scotia

Written Decision: August 12, 2005

Subject: Matrimonial Property Act Division

Summary: Previous decision determined marriage/reconciliation contract invalid. Inheritance by Mr. MacDonnell brought into the matrimonial pot several years ago and he failed onus required for an unequal division. *Prima facie* equal division of matrimonial assets prevails. Major determination the disposition of the matrimonial home occupied by Mrs. MacDonnell and two children. Equity determined by *Marcus v. Marcus*, [2004] N.S.J. No. 381 taking into account eventual probable disposition costs and migration fee.

Issue: Disposition of matrimonial home?

Result: Mr. MacDonnell's lack of communication with older daughter and acknowledgement the children will remain with their mother means that any other conclusion other than permitting home to be available to Mrs. MacDonnell would result in emotional and financial expense which is best to be avoided. Matrimonial home to be conveyed to Mrs. MacDonnell on payment by her to Mr. MacDonnell of equalization of \$57,097.90.

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