

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: *Cogswell v Wright*, 2014 NSSC 173

Date: 2014-06-05
Docket: 1201-066694
Registry: Halifax

Between:

Catherine Cogswell

Petitioner

v.

Alonzo Wright

Respondent

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Judge: The Honourable Justice Moira Legere Sers
Heard: February 24 and 25, 2014 in Halifax, Nova Scotia
Written Decision: June 5, 2014
Subject: Divorce, *Matrimonial Property Act* Division
Issues: Retroactive and prospective child support
Date of valuation of assets and debts
Classification of assets and debts
Unequal division of debt

Summary: This is a 21 year cohabitation and marital relationship. Both parties are experienced professionals in their field. The Petitioner and the three children remained in the matrimonial home.

The Respondent sought to be credited with payments made to the joint account prior to the separation of accounts. The Petitioner sought retroactive and prospective child support.

The Petitioner sought a separation date value for the mortgage given her contributions to the home from separation to the date of hearing.

The Respondent was responsible for financial management of the household finances and debt. The Petitioner was unaware until separation of the extent of the debt and decline in investments.

Result:

No set-off allowed against child support for payments not clearly determined to be child support. Retroactive and prospective child support calculated. Mortgage valued as of date of hearing. Penalties, if any, included before equity determined. Most investments valued at hearing date except for those investments under the control of the Respondent in which he continued significant activity resulting in significant debt and diminishing returns. Petitioner has an option to have one-half of the shares in these investments or the valuation as determined by the Court. Personal debt of Respondent not proven to relate to marriage.

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