

<u>CASE NO.</u>	<u>VOL. NO.</u>	<u>PAGE</u>
MURIELLE ANDREE DAVIDSON (Appellant)	- and -	WILLIAM PARKER DAVIDSON (Respondent)
CA 165352	Halifax, N.S.	HALLETT, J.A.

---

[Cite as: **Davidson v. Davidson, 2001 NSCA 41**]

**APPEAL HEARD:** February 9<sup>th</sup>, 2001

**JUDGMENT DELIVERED:** February 26, 2001

**SUBJECT:** **Matrimonial Property**

**SUMMARY:** The parties to divorce proceedings had agreed on an equal division of matrimonial assets. The appellant wife asserts that the trial judge erred in calculating the value to her husband of his severance pay and accumulated leave earned as a member of the Canadian Armed Forces and that the trial judge also erred in failing to give her credit for the full amount of a matrimonial debt in her name in connection with a line of credit at Scotiabank.

**RESULT:** Held on appeal: (i) the trial judge erred in accepting the calculations of the respondent with respect to the value of the severance pay and the accumulated leave by limiting the value to those matrimonial assets to that amount earned from the date of the marriage to the date of separation. The Court of Appeal held that pursuant to s. 4 of the **Matrimonial Property Act**, R.S.N.S. 1989, c. 275, the trial judge ought to have included the benefits earned from the date of enlistment in the Armed Forces to the date of separation. The Court of Appeal ordered that the respondent forthwith obtain the necessary information from the Department of National Defence to make the necessary calculations to give effect to the decision of the Court; (ii) review the same with counsel for the appellant to obtain the appellant's approval of the calculations; and (iii) further ordered that the respondent make the necessary payment to the appellant within 10 days of approval.

The Court of Appeal held that the trial judge did not misapprehend the evidence in fixing the amount of the indebtedness on the Scotiabank line of credit for the purpose of an equal division of matrimonial assets at \$5,124.

As success was divided on the issues on the appeal there was no order for costs.

This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 8 pages.