

CASE NO.

VOL. NO.

PAGE

MARY SHELLEY

PLAINTIFF

- and -

**TERRANCE SHELLEY, Jr., of East Bay, Cape Breton
Regional Municipality, Province of Nova Scotia**

DEFENDANT

S.SN. No. 111641

Sydney, Nova Scotia

Gruchy, J.

[Cite as: *Shelley v. Shelley*, 2001 NSSC 193]

HEARD: December 10 & 11, 2001 at Sydney, Nova Scotia

DECISION: December 11, 2001 (Orally)

WRITTEN RELEASE: December 17, 2001

SUBJECT: Bills of exchange; contracts.

SUMMARY: Plaintiff sold defendant (her brother) and her mother her house and property for \$40,000.00. She received \$25,000.00 in cash and a post-dated cheque from defendant for \$15,000.00.

Upon presentment cheque was dishonoured – n.s.f. Plaintiff sued. Defendant claimed he had paid (roughly) \$8,000.00, \$2,000.00 and

\$5,000.00 in cash, but could not say when or in what circumstances. Mother paid additional \$2,500.00.

ISSUE: Credibility.

RESULT: Defendant and mother had no credibility. Payments as claimed by defendant were not made. Claim reduced with concurrence of plaintiff by \$2,500.00 to reflect mother's payment and judgment entered for \$12,500.00.

(no precedent value – factually specific)

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