

SC CW 99 033

6101-02730

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

VICENTA A. SUMCAD BUGG

Petitioner

- and -

MELVIN F. PRETTY

Respondent

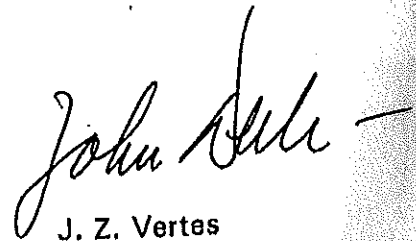
**FIAT**

The Divorce Judgment is granted on the basis of the affidavit evidence submitted.

The default judgment with respect to the matrimonial property claim is deferred. The petitioner's counsel is entitled to resubmit that application upon proper evidence.

Counsel's attention is drawn to the reasons for judgment in *Currie v Currie* (S.C. No. 6101-02281; January 3, 1995) wherein a similar problem was discussed at length. A matrimonial property claim is not a liquidated debt amenable to default judgment proceedings under the Rules of Court. It is a claim that must be proven by proper evidence (by affidavit or otherwise). In this case the petitioner's affidavit does not address the substance of this claim. The letter from the respondent, attached as an exhibit, is not an unequivocal admission of liability. If the respondent does admit liability the petitioner may wish to submit a consent judgment properly executed by the respondent.

Dated this 25th day of February, 1997.



J. Z. Vertes  
J.S.C.

To: Lucy K. Austin  
Counsel for the Petitioner .

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**Fiat of the Honourable  
Justice J. Z. Vertes**

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