

Matrimonial Property Act: A Case Law Review  
 Jonnette Watson Hamilton and Annie Voss-Altman -- October 2010

Issue	Subissue	Case+cite	pdf	Year	Ct	Judge	Other judges	H's lawyer	W's lawyer	Other proceedings	Sec.	Para.	Cases relied upon	Cases relying upon	Notes/facts
s. 35 certificate of lis pendens		1003166 Alberta Ltd. v. 868609 Alberta Ltd., 2005 ABQB 729	<a href="#">1003166 Alberta Ltd. v. 868609 Alberta Ltd.</a>	2005	QB	Veit		n/a	n/a				D.M. Paciocco, The Remedial Constructive Trust: A Principled Basis for Priorities Over Creditors (1989) 68 Can. Bar Rev. 315		In this commercial case, judge notes secondary source commentary for treating a constructive trust differently in spousal cases than commercial cases.
Corporate assets	"Lifting the corporate veil"	540613 Alberta Ltd. (Bankruptcy of) (Re), 2002 ABQB 1047	<a href="#">540613 Alberta Ltd. (Bankruptcy of) (Re)</a>	2002	QB	Burrows		Belzil, François H.	Reid, Gregory D.	see also Tinant v. Tinant, 2001 ABQB 889		15			Judge states that s. 9 order "pierced the corporate veil" that shielded property from disbursement under MPA
Relationship b/w MPA and other acts, orders	BIA	540613 Alberta Ltd. (Bankruptcy of) (Re), 2002 ABQB 1047	<a href="#">540613 Alberta Ltd. (Bankruptcy of) (Re)</a>	2002	QB	Burrows		Belzil, François H.	Reid, Gregory D.	see also Tinant v. Tinant, 2001 ABQB 889		15			Judge states that relationship between property and corporation ended when mat. TJ made ruling. BIA does not take precedence.

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s. 9 distribution	"Lifting the corporate veil"	540613 Alberta Ltd. (Bankruptcy of) (Re), 2002 ABQB 1047	<a href="#">540613 Alberta Ltd. (Bankruptcy of) (Re)</a>	2002	QB	Burrows		Belzil, François H.	Reid, Gregory D.	see also Tinant v. Tinant, 2001 ABQB 889		9 15			Judge states that s. 9 order "pierced the corporate veil" that shielded property from disbursement under MPA
Debts, excluded	loans from family	A.(D.L.) v. A.(R.T.), 2004 ABQB 946 a.k.a. Abbott v. Abbott	<a href="#">A.(D.L.) v. A.(R.T.)</a>	2004	QB	Perras		Sadownik, Rostyk	Rice, Elsa	2004 ABQB 233; affmd. Abbott v. Abbott 2006 ABCA 204		40		Ross v. Ross, 2007 ABQB 167	judge finds husband's mother brought action against son for repayment of loans with intent to defeat matrimonial claim of wife.
Date of valuation	date of trial	Abbott v. Abbott, 2004 ABQB 233 a.k.a. A.(D.L.) v. A.(R.T.)	<a href="#">Abbott v. Abbott</a>	2004	QB	Perras		Sadownik, Rostyk	Stonehouse, Kevin	A.(D.L.) v. A.(R.T.), 2004 ABQB 946; affmd. 2006 ABCA 204		11	Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113; Manister v. Mollberg (1982) 46 A.R. 11; Hodgson v. Hodgson 2002 ABQB 628; Vreim v. Vreim, 2000 ABQB 291		Wife argues for date of trial. Husband argues for date of divorce (2 yrs. prior). Judge orders date of trial as date, states that increase in value is not due to any effort of husband but due to rising property values. Says there are no special circumstances mandating departure.

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Debts, included	loans from family	Abbott v. Abbott, 2006 ABCA 204 a.k.a. A.(D.L.) v. A.(R.T.)	<a href="#">Abbott v. Abbott</a>	2006	CA	Paperny	Coté, O'Brien	Sadownik, Rostyk	Rice, Elsa	affing. A.(D.L.) v. A.(R.T.), 2004 ABQB 946; 2004 ABQB 233		10-12	Kazmierczak v. Kazmierczak 2003 ABCA 227	Ross v. Ross, 2007 ABQB 167	Wife states Kazmierczak stands for proposition that debts acquired post separation do not enter matrimonial regime. Court disagrees and does not disturb trial judgment.
Limitation Period		Abbott v. Abbott, 2006 ABCA 204 a.k.a. A.(D.L.) v. A.(R.T.)	<a href="#">Abbott v. Abbott</a>	2006	CA	Paperny	Coté, O'Brien	Sadownik, Rostyk	Rice, Elsa	affing. A.(D.L.) v. A.(R.T.), 2004 ABQB 946; 2004 ABQB 233		6			argued but not ruled upon.
Assets, included	farm property	Allaster-Hunsperger v. Hunsperger, 2001 ABQB 296	<a href="#">Allaster-Hunsperger v. Hunsperger</a>	2001	QB	Foster		Patterson, David	Hamilton, Barry			14			judge states that gift of farm property not intended to benefit husband only
Date of valuation	date of trial	Allaster-Hunsperger v. Hunsperger, 2001 ABQB 296	<a href="#">Allaster-Hunsperger v. Hunsperger</a>	2001	QB	Foster		Patterson, David	Hamilton, Barry			15			judge rejects argument to value property as of date of divorce and chooses to value it as of date of MPA trial.
Debts, excluded	orthodontic work	Allaster-Hunsperger v. Hunsperger, 2001 ABQB 296	<a href="#">Allaster-Hunsperger v. Hunsperger</a>	2001	QB	Foster		Patterson, David	Hamilton, Barry			9			debt incurred post-separation, not included - ruled not part of matrimonial property.] or child support.

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Debts, included	student loan	Allaster-Hunsperger v. Hunsperger, 2001 ABQB 296	<a href="#">Allaster-Hunsperger v. Hunsperger</a>	2001	QB	Foster		Patterson, David	Hamilton, Barry			7			Loan incurred post-separation. Judge states loan benefitted husband by enabling wife to be self-sufficient and removing need for spousal support.
Potential s. 8 factors	non-economic value of property	Allaster-Hunsperger v. Hunsperger, 2001 ABQB 296	<a href="#">Allaster-Hunsperger v. Hunsperger</a>	2001	QB	Foster		Patterson, David	Hamilton, Barry			20			judge recognizes desire to keep farmlands together. Orders an immediate partial payment to equalize followed by plan to pay off balance within 5 yrs.
s. 9 distribution	farm property	Allaster-Hunsperger v. Hunsperger, 2001 ABQB 296	<a href="#">Allaster-Hunsperger v. Hunsperger</a>	2001	QB	Foster		Patterson, David	Hamilton, Barry			20			judge recognizes desire to keep farmlands together. Orders an immediate partial payment to equalize followed by plan to pay off balance within 5 yrs.
Division of assets	by asset	Asselin v. Asselin, 2000 ABQB 245	<a href="#">Asselin v. Asselin</a>	2000	QB	Gallant		self	Young, Hu Eliot			passim, summary at para. 73			property divided on a percentage basis for each individual property using s. 8 factors.
s. 7(2) definition of gift		Asselin v. Asselin, 2000 ABQB 245	<a href="#">Asselin v. Asselin</a>	2000	QB	Gallant		self	Young, Hu Eliot		7(2)	15			forgiven debt not exempt. Judge said forgiveness did not create property.
conduct	post separation	B.(D.C.) v. B.(R.L.), 2007 ABQB 93	<a href="#">B.(D.C.) v. B.(R.L.)</a>	2007	QB	Greckol		Patterson, David	Frohlich, Krista			59			husband's failure to pay child support, failure to disclose a factor in unequal distribution of property

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Corporate assets valuation		B.(D.C.) v. B.(R.L.), 2007 ABQB 93	<a href="#">B.(D.C.) v. B.(R.L.)</a>	2007	QB	Greckol		Patterson, David	Frohlich, Krista			53			wife contends that value represents wholesale value of husband's business and retail value would be higher. Judge decides to balance value against non-exempt assets kept by wife.
Date of division	date of trial	B.(D.C.) v. B.(R.L.), 2007 ABQB 93	<a href="#">B.(D.C.) v. B.(R.L.)</a>	2007	QB	Greckol		Patterson, David	Frohlich, Krista			48	Hodgson v. Hodgson 2005 ABCA 13		
Relationship b/w MPA and other acts, orders	child support order	B.(D.C.) v. B.(R.L.), 2007 ABQB 93	<a href="#">B.(D.C.) v. B.(R.L.)</a>	2007	QB	Greckol		Patterson, David	Frohlich, Krista			73, 76, 77			child support arrears and future child support set off against equalization payment
s. 8(c) contribution to property		B.(D.C.) v. B.(R.L.), 2007 ABQB 93	<a href="#">B.(D.C.) v. B.(R.L.)</a>	2007	QB	Greckol		Patterson, David	Frohlich, Krista		8(c)	59			wife's industry post-separation noted
s. 8(f) property acquired while separate and apart		B.(D.C.) v. B.(R.L.), 2007 ABQB 93	<a href="#">B.(D.C.) v. B.(R.L.)</a>	2007	QB	Greckol		Patterson, David	Frohlich, Krista		8(f)	59			wife's industry post-separation noted
s. 8(l) dissipation of property		B.(D.C.) v. B.(R.L.), 2007 ABQB 93	<a href="#">B.(D.C.) v. B.(R.L.)</a>	2007	QB	Greckol		Patterson, David	Frohlich, Krista		8(l)	59			husband dissipated wife's RRSP funds

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s. 8(m) other	conduct	B.(D.C.) v. B.(R.L.), 2007 ABQB 93	<a href="#">B.(D.C.) v. B.(R.L.)</a>	2007	QB	Greckol		Patterson, David	Frohlich, Krista		8(m)	59			wife primarily responsible for children post-separation
Assets, excluded	RESP	B.(L.M.) v. B.(I.J.), 2002 ABQB 1046 a.k.a. Broda v. Broda	<a href="#">B.(L.M.) v. B.(I.J.)</a>	2002	QB	Wilkins		self	Ares, Louise M	2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257 ; 2003 ABQB 460; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876		111-12			parties ordered to repay amounts borrowed from RESP accounts. Wife given control of future administration of accounts.
Assets, included	airplane points, AMEX points	B.(L.M.) v. B.(I.J.), 2002 ABQB 1046 a.k.a. Broda v. Broda	<a href="#">B.(L.M.) v. B.(I.J.)</a>	2002	QB	Wilkins		self	Ares, Louise M	2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257 ; 2003 ABQB 460; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876		118			Judge divides points equally between parties.

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Corporate assets	"Lifting the corporate veil"	B.(L.M.) v. B.(I.J.), 2002 ABQB 1046 <i>a.k.a.</i> Broda v. Broda	<a href="#">B.(L.M.) v. B.(I.J.)</a>	2002	QB	Wilkins		self	Ares, Louise M	2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257 ; 2003 ABQB 460; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876		86-90			judge considers and rejects wife's argument for adding larger net income to value of corporate shares in determining value of the corporation.
Corporate assets	debt	B.(L.M.) v. B.(I.J.), 2002 ABQB 1046 <i>a.k.a.</i> Broda v. Broda	<a href="#">B.(L.M.) v. B.(I.J.)</a>	2002	QB	Wilkins		self	Ares, Louise M	2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257 ; 2003 ABQB 460; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876		83			loans to fund construction of building included as assets for purposes of determining value of P.C.

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Corporate assets	work in progress	B.(L.M.) v. B.(I.J.), 2002 ABQB 1046 a.k.a. Broda v. Broda	<a href="#">B.(L.M.) v. B.(I.J.)</a>	2002	QB	Wilkins		self	Ares, Louise M	2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257 ; 2003 ABQB 460; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876		88			Judge refuses to include value of "work in progress" in determining value of corporation.
Corporate assets valuation		B.(L.M.) v. B.(I.J.), 2002 ABQB 1046 a.k.a. Broda v. Broda	<a href="#">B.(L.M.) v. B.(I.J.)</a>	2002	QB	Wilkins		self	Ares, Louise M	2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257 ; 2003 ABQB 460; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876		90			failure to disclose makes valuation difficult for judge.



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Costs	conduct	B.(L.M.) v. B.(I.J.), 2002 ABQB 1046 <i>a.k.a.</i> Broda v. Broda	<a href="#">B.(L.M.) v. B.(I.J.)</a>	2002	QB	Wilkins		self	Ares, Louise M	2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257 ; 2003 ABQB 460; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876		174	Roenisch v. Roenisch, 1991 115 A.R. 254		Judge notes failure of husband to disclose documents in a timely manner as reason for awarding costs to wife despite mixed success of both parties.
Date of valuation	multiple dates used	B.(L.M.) v. B.(I.J.), 2002 ABQB 1046 <i>a.k.a.</i> Broda v. Broda	<a href="#">B.(L.M.) v. B.(I.J.)</a>	2002	QB	Wilkins		self	Ares, Louise M	2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257 ; 2003 ABQB 460; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876		35			Debt owed to CCRA dated to closing date of best offer for matrimonial home. Matrimonial debts valued at date of separation.

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Debts, excluded	student loan	B.(L.M.) v. B.(I.J.), 2002 ABQB 1046 a.k.a. Broda v. Broda	<a href="#">B.(L.M.) v. B.(I.J.)</a>	2002	QB	Wilkins		self	Ares, Louise M	2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257 ; 2003 ABQB 460; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876		123			judge finds that amount paid to retire wife's student loan debt offset by amount wife brought to marriage as settlement of personal injury claim.
Division of assets	by asset	B.(L.M.) v. B.(I.J.), 2002 ABQB 1046 a.k.a. Broda v. Broda	<a href="#">B.(L.M.) v. B.(I.J.)</a>	2002	QB	Wilkins		self	Ares, Louise M	2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257 ; 2003 ABQB 460; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876		158-66			Assets used to offset each other. Assets receive different treatment depending on type of asset and when acquired.

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s. 7(3)(a) tracing	Corporate assets	B.(L.M.) v. B.(L.J.), 2002 ABQB 1046 a.k.a. Broda v. Broda	<a href="#">B.(L.M.) v. B.(L.J.)</a>	2002	QB	Wilkins		self	Ares, Louise M	2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257 ; 2003 ABQB 460; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876	7(3)(a)	93			Judge accepts argument that value of P.C. at time of marriage is not traceable but still grants exemption for value.
Assets, included	WCB payments	B.(M.A.) v.B.(R.D.), 2007 ABQB 438 a.k.a. Barnes v. Barnes	<a href="#">B.(M.A.) v.B.(R.D.)</a>	2007	QB	Whittmann		Gough, W. Henry	Reh, Kenneth	2007 ABQB 676; Barnes v. Barnes, 2006 ABQB 855		34	Hughes v. Hughes, 1998 ABCA 409		WCB payments are matrimonial property.
Date of valuation	date of trial	B.(M.A.) v.B.(R.D.), 2007 ABQB 438 a.k.a. Barnes v. Barnes	<a href="#">B.(M.A.) v.B.(R.D.)</a>	2007	QB	Whittmann		Gough, W. Henry	Reh, Kenneth	2007 ABQB 676; Barnes v. Barnes, 2006 ABQB 855		24	Hodgson v. Hodgson 2005 ABCA 13		Date of trial. Adjust by s. 8 factors.
Relationship b/w MPA and other acts, orders	Divorce Act	B.(M.A.) v.B.(R.D.), 2007 ABQB 438 a.k.a. Barnes v. Barnes	<a href="#">B.(M.A.) v.B.(R.D.)</a>	2007	QB	Whittmann		Gough, W. Henry	Reh, Kenneth	2007 ABQB 676; Barnes v. Barnes, 2006 ABQB 855		64	Boston v. Boston 2001 SCC 43		judge states she is mindful of MPA decision when determining spousal support. Declines to grant.

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s. 8(l) dissipation of property		B.(M.A.) v.B.(R.D.), 2007 ABQB 438 <i>a.k.a. Barnes v. Barnes</i>	<a href="#">B.(M.A.) v.B.(R.D.)</a>	2007	QB	Whittmann		Gough, W. Henry	Reh, Kenneth	2007 ABQB 676; Barnes v. Barnes, 2006 ABQB 855	8(l)	50	Metz v. Metz, 2004 ABQB 528; Cox v. Cox 1998 Carswell Ata. 1080	Beaudry v. Beaudry, 2010 ABQB 119	husband argues dissipation of trucking business by wife via mismanagement and drinking. Judge rejects.
s. 37 contracting out	settlement agreement	B.(P.D.) v. B.(J.A.), 2010 ABQB 286	<a href="#">B.(P.D.) v. B.(J.A.)</a>	2010	QB	Sullivan		Johanson, Chad	Zybutz, Marc		37	41-42	Diegel v. Diegel, 2008 ABCA 389		Husband states he should not be held to agreement because he did not tell the truth re independent legal advice. Judge finds that he entered agreement freely and upholds it.
s. 38 formalities	independent legal advice	B.(P.D.) v. B.(J.A.), 2010 ABQB 286	<a href="#">B.(P.D.) v. B.(J.A.)</a>	2010	QB	Sullivan		Johanson, Chad	Zybutz, Marc		38	33	Corbeil v. Bebris (1993) 105 D.L.R. (4th) 759; Diegel v. Diegel, 2008 ABCA 389		Judge states failure to have independent legal advice does not void agreement. Court notes that loss of husband's job crystallized his desire to void agreement.
Assets, exempt	cabin	B.(S.I.) v. B.(M.D.), 2006 ABQB 557	<a href="#">B.(S.I.) v. B.(M.D.)</a>	2006	QB	Lefrud		Cochard, Renee	Pollock, M.L.	2009 ABQB 612		11			cabin ruled to have enter joint property regime. Wife presumed to have gifted half to husband. Retains 1/2 exemption

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Assets, exempt	depreciated asset	B.(S.I.) v. B.(M.D.), 2006 ABQB 557	<a href="#">B.(S.I.) v. B.(M.D.)</a>	2006	QB	Lefrud		Cochard, Renee	Pollock, M.L.	2009 ABQB 612		15	Harrower v. Harrower 1989 CanLII 221; Lee v. Obermeyer, 2005 ABQB 480	Laraque v. Laraque, 2010 ABQB 118	Boat only valued for purposes of exemption at depreciated value. Exempted amount equals same ratio as original exemption did to purchase price.
Assets, included	WCB payments	B.(S.I.) v. B.(M.D.), 2006 ABQB 557	<a href="#">B.(S.I.) v. B.(M.D.)</a>	2006	QB	Lefrud		Cochard, Renee	Pollock, M.L.	2009 ABQB 612		28	Hrycak v. Hrycak, [2000] A.J. No. 729		WCB payments included as assets
Date of valuation	date of trial	B.(S.I.) v. B.(M.D.), 2006 ABQB 557	<a href="#">B.(S.I.) v. B.(M.D.)</a>	2006	QB	Lefrud		Cochard, Renee	Pollock, M.L.	2009 ABQB 612		29	Hodgson v. Hodgson, 2005 ABCA 13		
Debts, included	loans from family	B.(S.I.) v. B.(M.D.), 2006 ABQB 557	<a href="#">B.(S.I.) v. B.(M.D.)</a>	2006	QB	Lefrud		Cochard, Renee	Pollock, M.L.	2009 ABQB 612		12			judge permits loan from parents after wife states it will be deducted from share of mother's estate upon her death
s. 31 disclosure of property		B.(S.I.) v. B.(M.D.), 2006 ABQB 557	<a href="#">B.(S.I.) v. B.(M.D.)</a>	2006	QB	Lefrud		Cochard, Renee	Pollock, M.L.	2009 ABQB 612	31	9	Welch v. Welch, [1988] A.J. No. 227		Wife asserts gift of cabin from father rebuts s. 31 presumption (??)
s. 8(k) potential tax liability	RRSPs	B.(S.I.) v. B.(M.D.), 2006 ABQB 557	<a href="#">B.(S.I.) v. B.(M.D.)</a>	2006	QB	Lefrud		Cochard, Renee	Pollock, M.L.	2009 ABQB 612	8(k)	13			Exempt amount of RRSP reduced for tax liability

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s. 8(l) dissipation of property		B.(S.I.) v. B.(M.D.), 2006 ABQB 557	<a href="#">B.(S.I.) v. B.(M.D.)</a>	2006	QB	Lefrud		Cochard, Renee	Pollock, M.L.	2009 ABQB 612	8(l)	29			judge states that 2 households more expensive to maintain than one and does not find dissipation based on increase in HELOC or cashing in of funds
Analytical framework		B.(W.P.) v. B.(D.M.), 2006 ABQB 333	<a href="#">B.(W.P.) v. B.(D.M.)</a>	2006	QB	Greckol		unrepresented, not present	Scholly, Leslie			54	Hodgson v. Hodgson 2005 ABCA 13		Hodgson noted as the correct method for analyzing mat. prop.
Costs	conduct	B.(W.P.) v. B.(D.M.), 2006 ABQB 333	<a href="#">B.(W.P.) v. B.(D.M.)</a>	2006	QB	Greckol		unrepresented, not present	Scholly, Leslie			74			awarded against husband for bad conduct during trial.
s. 8(l) dissipation of property	airplane points	B.(W.P.) v. B.(D.M.), 2006 ABQB 333	<a href="#">B.(W.P.) v. B.(D.M.)</a>	2006	QB	Greckol		unrepresented, not present	Scholly, Leslie		8(l)	67			judge finds husband dissipated airmiles account. Credits wife for 30 cents for each point.
s. 8(l) dissipation of property	HELOC	B.(W.P.) v. B.(D.M.), 2006 ABQB 333	<a href="#">B.(W.P.) v. B.(D.M.)</a>	2006	QB	Greckol		unrepresented, not present	Scholly, Leslie		8(l)	66	Cox v. Cox 1998 ABQB 987		Husband's use of line of credit to pay for personal expenses (wife argues drugs and alcohol) ruled to be dissipation.
Strength of s. 7(4) presumption		B.(W.P.) v. B.(D.M.), 2006 ABQB 333	<a href="#">B.(W.P.) v. B.(D.M.)</a>	2006	QB	Greckol		unrepresented, not present	Scholly, Leslie		7(4)	68			Wife argues for 60/40 division. Judge gives equal division but gives specific assets to wife based on s. 8(l)

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Equity – fit w/ MPA		Bains v. Bains, 2007 ABQB 677	<a href="#">Bains v. Bains</a>	2007	QB	Veit		Jiwaji, Moosa	Huizinga, Tina	2007 ABQB 776		4, 19, 22	Kopr v Kopr [2006] A.J. No. 673		Wife entitled to commence action for equitable distribution of property by filing for divorce.
Relationship b/w MPA and other acts, orders	BIA	Bains v. Bains, 2007 ABQB 677	<a href="#">Bains v. Bains</a>	2007	QB	Veit		Jiwaji, Moosa	Huizinga, Tina	2007 ABQB 776		4, 22			property interests in MPA action are choses in action which must be disclosed during bankruptcy proceedings.
Equity – fit w/ MPA		Barnes v. Barnes, 2006 ABQB 855 <i>a.k.a.</i> B.(M.A.) v.B.(R.D.)	<a href="#">Barnes v. Barnes</a>	2006	QB	Coutu		Gough, W. Henry	Calvert, Robert	B.(M.A.) v.B.(R.D.), 2007 ABQB 438; 2007 ABQB 676		24			Husband's equitable interest in car prevents sale.
s. 5(1)(e) Matrimonial property order if one spouse dissipating property		Barnes v. Barnes, 2006 ABQB 855 <i>a.k.a.</i> B.(M.A.) v.B.(R.D.)	<a href="#">Barnes v. Barnes</a>	2006	QB	Coutu		Gough, W. Henry	Calvert, Robert	B.(M.A.) v.B.(R.D.), 2007 ABQB 438; 2007 ABQB 676	5(1)(e)	21	McLean v. McLean, 2000 SKQB 416		judge states case falls w/in s. 5(1)(e) - court may make mat. prop. order if it is satisfied that one party is dissipating property to detriment of other party.
s. 8(l) dissipation of property		Barnes v. Barnes, 2006 ABQB 855 <i>a.k.a.</i> B.(M.A.) v.B.(R.D.)	<a href="#">Barnes v. Barnes</a>	2006	QB	Coutu		Gough, W. Henry	Calvert, Robert	B.(M.A.) v.B.(R.D.), 2007 ABQB 438; 2007 ABQB 676	8(l)	31			judge grants leave for wife to apply for advance on mat. prop. in lieu of lien. Husband argues dissipation. Counter allegation.

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s. 9 distribution	interim distribution	Barnes v. Barnes, 2006 ABQB 855 a.k.a. B.(M.A.) v.B.(R.D.)	<a href="#">Barnes v. Barnes</a>	2006	QB	Coutu		Gough, W. Henry	Calvert, Robert	B.(M.A.) v.B.(R.D.), 2007 ABQB 438; 2007 ABQB 676	33	15	Minaei v. Brae Centre Limited 2004 ABQB 597; Nelson v. Nelson, 2001 ABQB 732	T.(S.L.) v. T.(A.K.), 2007 ABQB 81	wife argues lien placed on collector vehicle registered in her name alone is not barred by s. 33. Judge finds lien valid to extent of wife's interest in vehicle to be determined at trial
s. 9 distribution		Barnes v. Barnes, 2006 ABQB 855 a.k.a. B.(M.A.) v.B.(R.D.)	<a href="#">Barnes v. Barnes</a>	2006	QB	Coutu		Gough, W. Henry	Calvert, Robert	B.(M.A.) v.B.(R.D.), 2007 ABQB 438; 2007 ABQB 676	9	24	Nelson v. Nelson 2001 ABQB 732		court may order distribution despite one party having no legal or equitable interest in property
Standing	3rd party	Barnes v. Barnes, 2006 ABQB 855 a.k.a. B.(M.A.) v.B.(R.D.)	<a href="#">Barnes v. Barnes</a>	2006	QB	Coutu		Gough, W. Henry	Calvert, Robert	B.(M.A.) v.B.(R.D.), 2007 ABQB 438; 2007 ABQB 676		n/a			Husband's trucking business a co-defendant in action.
Assets, excluded	furnishings	Barnett v. Barnett, 2006 ABQB 920	<a href="#">Barnett v. Barnett</a>	2006	QB	Marceau		self	Revering, Donnon	2007 ABCA 357; 2009 ABQB 738		34			judge states furnishings to remain with wife, justified by bad conduct of husband in not paying spousal support ordered.
Assets, excluded	quad vehicle	Barnett v. Barnett, 2006 ABQB 920	<a href="#">Barnett v. Barnett</a>	2006	QB	Marceau		self	Revering, Donnon	2007 ABCA 357; 2009 ABQB 738		45			husband argues quad purchased by 15 yo son is mat. prop. Judge rejects.



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Assets, included	farm equipment	Barnett v. Barnett, 2006 ABQB 920	<a href="#">Barnett v. Barnett</a>	2006	QB	Marceau		self	Revering, Donnon	2007 ABCA 357; 2009 ABQB 738		30			judge orders sale price of farm equipment be used to offset rent owed to husband's parents for use of grazing land.
Corporate assets valuation	book value	Barnett v. Barnett, 2006 ABQB 920	<a href="#">Barnett v. Barnett</a>	2006	QB	Marceau		self	Revering, Donnon	2007 ABCA 357; 2009 ABQB 738		36-37			book value of husband's corp included in mat. prop.
Debts, included	taxes	Barnett v. Barnett, 2006 ABQB 920	<a href="#">Barnett v. Barnett</a>	2006	QB	Marceau		self	Revering, Donnon	2007 ABCA 357; 2009 ABQB 738		7			Husband argues he should not have to pay property taxes while wife living in house. Rejected.
Occupation Rent		Barnett v. Barnett, 2006 ABQB 920	<a href="#">Barnett v. Barnett</a>	2006	QB	Marceau		self	Revering, Donnon	2007 ABCA 357; 2009 ABQB 738		22-24			husband disputes amount of occupation rent credited to him by previous judge. Upheld.
Relationship b/w MPA and other acts, orders	spousal support order	Barnett v. Barnett, 2006 ABQB 920	<a href="#">Barnett v. Barnett</a>	2006	QB	Marceau		self	Revering, Donnon	2007 ABCA 357; 2009 ABQB 738		4			wife argues that she should receive credit in home equity for arrears in HELOC interest payments to be credited against spousal support order. Rejected
Relationship b/w MPA and other acts, orders	spousal support order	Barnett v. Barnett, 2006 ABQB 920	<a href="#">Barnett v. Barnett</a>	2006	QB	Marceau		self	Revering, Donnon	2007 ABCA 357; 2009 ABQB 738		54			judge states that he would be willing to cancel husband's spousal support arrears in exchange for husband extinguishing equity in mat. home.

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s. 36(2)(a) presumption of joint ownership	tracing	Barnett v. Barnett, 2006 ABQB 920	<a href="#">Barnett v. Barnett</a>	2006	QB	Marceau		self	Revering, Donnon	2007 ABCA 357; 2009 ABQB 738	36(1)	20	Jackson v. Jackson (1989), 97 A.R. 153, 68 Alta. L.R. (2d) 118 (C.A.); Harrower v. Harrower 1989 CanLII 221		exempt amount of inheritance reduced by 1/2 after placement in joint checking account and in joint tenancy property.
s. 7(3)(a) tracing	inheritance	Barnett v. Barnett, 2006 ABQB 920	<a href="#">Barnett v. Barnett</a>	2006	QB	Marceau		self	Revering, Donnon	2007 ABCA 357; 2009 ABQB 738	7(3)(a)	19	Devaynes v. Noble; Clayton's Case (1816), 1 Mer. 572; Goodyer v. Goodyer, [1999] O.J. No. 29.		Wife argues "first in, first out" rule re comingling of funds. Judge rejects argument. Determines husband's portion of funds going to new account based on ratio of inheritance money to money in account.
Strength of s. 7(4) presumption		Barnett v. Barnett, 2006 ABQB 920	<a href="#">Barnett v. Barnett</a>	2006	QB	Marceau		self	Revering, Donnon	2007 ABCA 357; 2009 ABQB 738	7(4)	51			long term marriage result in equal division of assets, except for furnishings.
Assets, exempt	loans from parents	Barrett v. Barrett, 2004 ABQB 508	<a href="#">Barrett v. Barrett</a>	2004	QB	Romaine		Adamson, Victoria	Hart, Robert D.			34			subject to s. 36(1) and claim from children and wife that portion would be repaid to pay for children's education.

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Assets, exempt	mineral rights	Barrett v. Barrett, 2004 ABQB 508	<a href="#">Barrett v. Barrett</a>	2004	QB	Romaine		Adamson, Victoria	Hart, Robert D.			22			husband given exemption for value of mineral rights at time of marriage.
Assets, included	non-traceable assets	Barrett v. Barrett, 2004 ABQB 508	<a href="#">Barrett v. Barrett</a>	2004	QB	Romaine		Adamson, Victoria	Hart, Robert D.			37	Brokopp v. Brokopp (1996), 181 A.R. 91		
Corporate assets	"Lifting the corporate veil"	Barrett v. Barrett, 2004 ABQB 508	<a href="#">Barrett v. Barrett</a>	2004	QB	Romaine		Adamson, Victoria	Hart, Robert D.			44-5	Gabriel v. Gabriel, [1980] A.J. No. 39		judge states that when corporate devices are used to defeat claims by other parties, the corporate veil may be lifted.
s. 36(2)(a) presumption of joint ownership	tracing	Barrett v. Barrett, 2004 ABQB 508	<a href="#">Barrett v. Barrett</a>	2004	QB	Romaine		Adamson, Victoria	Hart, Robert D.		36(1)	20	Jackson v. Jackson (1989), 97 A.R. 153		exemption amount from inheritance placed in joint titled property.

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Distribution of assets	encumbrance	Battershill v. Battershill, 2007 ABQB 53	<a href="#">Battershill v. Battershill</a>	2007	QB	Horner		Mahoney, Patrick	Calvert, Robert			63			wife seeks to sell building where husband's corp. resides. Judge states building may be sold but will be encumbered by lease permitting husband to stay.
s. 8(i) previous distribution of property		Battershill v. Battershill, 2007 ABQB 53	<a href="#">Battershill v. Battershill</a>	2007	QB	Horner		Mahoney, Patrick	Calvert, Robert		8(i)	53			judge refuses to distribute increase in property after previous final distribution order by judge
Assets, excluded	post-separation property	Beaudry v. Beaudry, 2010 ABQB 119	<a href="#">Beaudry v. Beaudry</a>	2010	QB	Nielson		Hinz, Harold	Wallace, K. Paul			69			house purchased and sold by husband after separation not distributed.
Assets, included	RRSPs, stock shares	Beaudry v. Beaudry, 2010 ABQB 119	<a href="#">Beaudry v. Beaudry</a>	2010	QB	Nielson		Hinz, Harold	Wallace, K. Paul			104			husband fails to establish exempt value at date of marriage. Judge awards unequal division to husband 65/35.
Occupation Rent		Beaudry v. Beaudry, 2010 ABQB 119	<a href="#">Beaudry v. Beaudry</a>	2010	QB	Nielson		Hinz, Harold	Wallace, K. Paul			72	Busenius v. Busenius, 2006 ABQB 162		husband claims occupation rent. Denied.

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s. 36(2)(a) presumption of joint ownership	tracing	Beaudry v. Beaudry, 2010 ABQB 119	<a href="#">Beaudry v. Beaudry</a>	2010	QB	Nielson		Hinz, Harold	Wallace, K. Paul		36(1)	74	Harrower v. Harrower (1989), 97 A.R. 141; Klinck v. Klinck, 2008 ABQB 526		An exempt asset loses 1/2 exemption upon being placed in joint ownership.
s. 7(2) exempt property scope of	principles	Beaudry v. Beaudry, 2010 ABQB 119	<a href="#">Beaudry v. Beaudry</a>	2010	QB	Nielson		Hinz, Harold	Wallace, K. Paul		7(2)	90	Harrower v. Harrower (1989), 97 A.R. 141; Lovich v. Lovich, 2006 ABQB 736		judge reviews principles regarding tracing and exemptions
s. 7(3) property		Beaudry v. Beaudry, 2010 ABQB 119	<a href="#">Beaudry v. Beaudry</a>	2010	QB	Nielson		Hinz, Harold	Wallace, K. Paul		7(3)	54	Kazmierczak v. Kazmierczak 2001 ABQB 610		House brought into marriage by husband and in his name only still subject to equal distribution.
s. 8(f) property acquired while separate and apart	property	Beaudry v. Beaudry, 2010 ABQB 119	<a href="#">Beaudry v. Beaudry</a>	2010	QB	Nielson		Hinz, Harold	Wallace, K. Paul		8(f)	60			house purchased and sold by husband after separation not distributed.
s. 8(k) potential tax liability	RRSPs	Beaudry v. Beaudry, 2010 ABQB 119	<a href="#">Beaudry v. Beaudry</a>	2010	QB	Nielson		Hinz, Harold	Wallace, K. Paul		8(k)	98			Judge states it is common practice to discount RRSPs by 25% before distributing.

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s. 8(1) dissipation of property	RRSPs	Beaudry v. Beaudry, 2010 ABQB 119	<a href="#">Beaudry v. Beaudry</a>	2010	QB	Nielson		Hinz, Harold	Wallace, K. Paul		8(1)	88	Metz v. Metz, 2004 ABQB 528; McWilliam v. McWilliam 1989 CanLII 3288; McLeod v. McLeod, [1989] A.J. No. 1232; Service v. Service, [1992] A.J. No. 1116; Reid v. Reid (1993), 99 D.L.R. (4th) 722; Cox v. Cox, 1998 ABQB 987; Purich v. Purich, 1998 ABQB 700; Nuttall v. Rea, 2005 ABQB 151; B.(M.A.) v. B.(R.D.), 2007 ABQB		wife claims dissipation of RRSPs by husband for failed investment in Bahamas. Judge states it was a bad decision but not dissipation.

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Analytical framework		Behiels v. McCarthy, 2010 ABQB 281	<a href="#">Behiels v. McCarthy</a>	2010	QB	Manderscheid		Patterson, David	Gawlinski, Stephen			78	Hodgson v. Hodgson 2005 ABCA 13; Jensen v. Jensen, 2009 ABCA 272		restates 4 step framework
Constructive or resulting trusts		Behiels v. McCarthy, 2010 ABQB 281	<a href="#">Behiels v. McCarthy</a>	2010	QB	Manderscheid		Patterson, David	Gawlinski, Stephen			68	M. v. H., [1999] 2 S.C.R. 3; Kazmierczak v. Kazmierczak, 2001 ABQB 610		Judge states that "ultimately, the test is one of fairness" and finds that wife lived in "subsidized housing" during cohabitation period and has not established detriment.
Occupation Rent		Behiels v. McCarthy, 2010 ABQB 281	<a href="#">Behiels v. McCarthy</a>	2010	QB	Manderscheid		Patterson, David	Gawlinski, Stephen			96	Busenius v. Busenius, 2006 ABQB 162; Seeman v. Seeman, 2010 ABQB 30; Kazmierczak v. Kazmierczak, 2001 ABQB 610		States Seeman position that Occupation Rent may only be claimed in response to a claim for contribution by occupier.
Reconciliation		Behiels v. McCarthy, 2010 ABQB 281	<a href="#">Behiels v. McCarthy</a>	2010	QB	Manderscheid		Patterson, David	Gawlinski, Stephen			4			judge notes distinct periods of relationship, including periods of reconciliation prior to marriage.

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s. 36(2)(a) presumption of joint ownership	tracing	Behiels v. McCarthy, 2010 ABQB 281	<a href="#">Behiels v. McCarthy</a>	2010	QB	Manderscheid		Patterson, David	Gawlinski, Stephen		36(1)	75	Jackson v. Jackson (1989), 97 A.R. 153		Husband found to have gifted wife 25% of equity by placing it in joint ownership
s. 7(3) property	matrimonial home	Behiels v. McCarthy, 2010 ABQB 281	<a href="#">Behiels v. McCarthy</a>	2010	QB	Manderscheid		Patterson, David	Gawlinski, Stephen		7(3)	83-91	W.(K.E.) v. M.(C.R.), 2005 ABQB 426, aka Wallat v. Marshall; Warwoda v. Warwoda, 2009 ABQB 582; Nasin v. Nasin, 2008 ABQB 219		Matrimonial home purchased during period of cohabitation before marriage determined to be 7(3) property and divided unequally after separation.
s. 8 factors		Behiels v. McCarthy, 2010 ABQB 281	<a href="#">Behiels v. McCarthy</a>	2010	QB	Manderscheid		Patterson, David	Gawlinski, Stephen			77	Jensen v. Jensen, 2009 ABCA 272		purpose is to avoid microscopic analysis of contributions
s. 8(m) other	inflation	Behiels v. McCarthy, 2010 ABQB 281	<a href="#">Behiels v. McCarthy</a>	2010	QB	Manderscheid		Patterson, David	Gawlinski, Stephen		8(m)	91	Nasin v. Nasin, 2008 ABQB 219		
Strength of s. 7(4) presumption		Behiels v. McCarthy, 2010 ABQB 281	<a href="#">Behiels v. McCarthy</a>	2010	QB	Manderscheid		Patterson, David	Gawlinski, Stephen		7(4)	83	Warwoda v. Warwoda, 2009 ABQB 582		judge divides property during marriage equally but gives unequal division during separation



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Unjust enrichment		Behiels v. McCarthy, 2010 ABQB 281	<a href="#">Behiels v. McCarthy</a>	2010	QB	Manderscheid		Patterson, David	Gawlinski, Stephen				Wright-Watts v. Watts, 2005 ABQB 708; M. v. H., [1999] 2 S.C.R. 3; Panara v. Di Ascenzo, 2005 ABCA 42/47		judge states that a common law relationship does not lead to any presumption of right to the other's property. He divides cohabitation into distinct periods, finds no CL relationship during period leading up to marriage. Instead, calls it a period of "preparations for the subsequent marriage."
Debts, included	division of debt	Bender v. Bender 2002 CarswellAlta 1934	<a href="#">Bender v. Bender</a>	2002	QB	McIntyre (chambers)		Pantony, R.	Aaron, W.			106			judge states that 60/40 division applies to debts as well as assets. Wife gets 60% of assets and 60% of debt.
Division of assets	by percentage	Bender v. Bender 2002 CarswellAlta 1934	<a href="#">Bender v. Bender</a>	2002	QB	McIntyre (chambers)		Pantony, R.	Aaron, W.			94			judge opts not to hear valuation evidence but divides assets on percentage basis - 60/40 based on evidence to apply to all assets.
Method of valuation	McAllister formula	Bender v. Bender 2002 CarswellAlta 1934	<a href="#">Bender v. Bender</a>	2002	QB	McIntyre (chambers)		Pantony, R.	Aaron, W.			89/86	Wilson v. Wilson (1986), 2 R.F.L. (3rd)		judge states McAllister formula is appropriate for division of pension when there is a disagreement between parties.
s. 7(2) definition of gift		Bender v. Bender 2002 CarswellAlta 1934	<a href="#">Bender v. Bender</a>	2002	QB	McIntyre (chambers)		Pantony, R.	Aaron, W.		7(2)	17			Factors determining exemption: down payment was a gift from her parents, property in wife's name only

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s. 8(a) contribution to marriage and family		Bender v. Bender 2002 CarswellAlt a 1934	<a href="#">Bender v. Bender</a>	2002	QB	McIntyre (chambers)		Pantony, R.	Aaron, W.		8(a)	97			judge awards unequal division of assets based on larger contribution by wife to marriage.
s. 20 factors re matrimonial home	financial position of the parties	Bennett v. Stoppler, 2003 ABQB 723	<a href="#">Bennett v. Stoppler</a>	2003	QB	Veit		Plupek, Thomas	Barker, Christine		20	13		M.P.T. v. R.W.T, 2008 YKSC 94	judge states that failure of husband to work due to stress related to dissolution of marriage does not mean he cannot do so. Grants interim possession of home to wife.
s. 21 effect of sale of home on order for possession		Bennett v. Stoppler, 2003 ABQB 723	<a href="#">Bennett v. Stoppler</a>	2003	QB	Veit		Plupek, Thomas	Barker, Christine		21	15	Zaseybida v Zaseybida [2001] A.J. No. 1022 (Q.B.)	Sivertsen v. Sivertsen, 2007 ABQB 610	Judge states that while there is a dispute regarding matrimonial property, there can be no liquidation of it.
Cohabitation	resulting trust	Bezuko 2007 ABQB 204	<a href="#">Bezuko v. Supruniuk</a>	2007	QB	Ross		Bains, Sarbjit	Odinga, Norman			36	Waters Law on Trusts, Ruff v. Strobel (1978), 9 A.R. 378, Rathwell v. Rathwell, [1978] 2 S.C.R. 436	D.R.J.v. M.J. 2008 ABQB 380	True intention of the parties to be considered in determining if a gratuitous transfer of land has been made with a resulting trust.
Debts, excluded	occupation rent	Bezuko 2007 ABQB 204	<a href="#">Bezuko v. Supruniuk</a>	2007	QB	Ross		Bains, Sarbjit	Odinga, Norman			84	Kazmierczak v. Kazmierczak 2001 ABQB 610		

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Pre-judgment interest		Bezuko 2007 ABQB 204	<a href="#">Bezuko v. Supruniuk</a>	2007	QB	Ross		Bains, Sarbjit	Odinga, Norman			88			Judge grants pre-judgment interest for personal property and joint debt but declines for house and condominium, stating that increase has been included in valuation at date of trial.
Debts, excluded	post separation debt	Bezuko v. Supruniuk 2007 ABQB 204	<a href="#">Bezuko v. Supruniuk</a>	2007	QB	Ross		Bains, Sarbjit	Odinga, Norman			82			reflect individual lifestyle choices
s. 8(m) other	mutual benefit property	Bezuko v. Supruniuk 2007 ABQB 204	<a href="#">Bezuko v. Supruniuk</a>	2007	QB	Ross		Bains, Sarbjit	Odinga, Norman		8(m)	64-65	Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113		
s. 9 distribution	interim costs	Bidulock v. Bidulock 2010 ABQB 51	<a href="#">Bidulock v. Bidulock</a>	2010	QB	Veit		Tumbach, D.	Gordon, Marie		9	14	British Columbia (Minister of Forests) v. Okanagan Indian Band, 2003 SCC 71		wife requests interim distribution of corporate assets to pay legal fees based on fact that husband had already paid his legal fees out of corporate assets. Granted on basis of impecuniousness, merit of case, and special circumstances.
Constructive or resulting trusts		Bjornson v. Schacher, 2009 ABQB 84	<a href="#">Bjornson v. Schacher</a>	2009	QB	Binder		n/a	Sussman, Brian			21, 24			wife argues for either a resulting trust based on intention to mutually benefit wife or constructive trust based on money she contributed to house and expenses. Judge finds neither.

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Equity – fit w/ MPA		Bjornson v. Schacher, 2009 ABQB 84	<a href="#">Bjornson v. Schacher</a>	2009	QB	Binder		n/a	Sussman, Brian			24	Maroukis v. Maroukis, 1984 CanLII 76; Nelson v. Nelson, 2001 ABQB 732		CRA's writs on property held to have been registered prior to any contribution wife made to home. Application dismissed.
Relationship b/w MPA and other acts, orders	CEA	Bjornson v. Schacher, 2009 ABQB 84	<a href="#">Bjornson v. Schacher</a>	2009	QB	Binder		n/a	Sussman, Brian			6	Nelson v. Nelson, 2001 ABQB 732		matrimonial home placed in sole name of husband's corp. under seizure by Crown after husband convicted of trafficking in drugs.
Assets, excluded	corporation	Bos v. Bos, 2007 ABQB 604	<a href="#">Bos v. Bos</a>	2007	QB	Ross		Huizinga, Tina	McNeilly, Shirley			50			husband's chiropractic practice excluded from all distribution
Constructive or resulting trusts	constructive trust	Bos v. Bos, 2007 ABQB 604	<a href="#">Bos v. Bos</a>	2007	QB	Ross		Huizinga, Tina	McNeilly, Shirley			22	Peter v. Beblow, 1993 CanLII 126		judge finds no constructive trust on property built before marriage.
Date of valuation	date of trial	Bos v. Bos, 2007 ABQB 604	<a href="#">Bos v. Bos</a>	2007	QB	Ross		Huizinga, Tina	McNeilly, Shirley			36	Hodgson v. Hodgson 2005 ABCA 13; Mazurenko v. Mazurenko, [1981] A.J. No. 23		

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Issue	Subissue	Case+cite	pdf	Year	Ct	Judge	Other judges	H's lawyer	W's lawyer	Other proceedings	Sec.	Para.	Cases relied upon	Cases relying upon	Notes/facts
Division of assets	by percentage	Bos v. Bos, 2007 ABQB 604	<a href="#">Bos v. Bos</a>	2007	QB	Ross		Huizinga, Tina	McNeilly, Shirley			40			judge divides increase in property equally, noting they both contributed to it. Husband argued post separation increase should be unequally divided because he made mortgage payments. Judge disagrees, states that he had benefit of living in home.
s. 7(2) exempt property scope of	matrimonial home	Bos v. Bos, 2007 ABQB 604	<a href="#">Bos v. Bos</a>	2007	QB	Ross		Huizinga, Tina	McNeilly, Shirley		7(2)	19			Wife argues that although her name was not on title, there was a presumption of joint ownership. Judge does not find this credible and awards exemption for price of house at marriage. Parties did not live together before.
s. 9 distribution	matrimonial home	Bos v. Bos, 2007 ABQB 604	<a href="#">Bos v. Bos</a>	2007	QB	Ross		Huizinga, Tina	McNeilly, Shirley		9	47			Given widely disparate valuations in property, judge orders property to be listed at higher price and sold if offer exceeds lower price with proceeds to be divided equally.
s. 38 formalities		Botros v. Botros, 2002 ABQB 436	<a href="#">Botros v. Botros</a>	2002	QB	Mahoney		Sparling, Lois	Aaron, W.		38	28	Corbeil v. Bebris (1993), 141 A.R. 215	Miles v. Miles, 2003 ABQB 688	Judge states that court may not simply adopt and apply an agreement that has failed to comply with s. 38 formalities.

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s. 20 factors re matrimonial home	financial position of the parties, needs of children, availability of other accommodations	Boutin v. Viau, 2007 ABQB 451	<a href="#">Boutin v. Viau</a>	2007	QB	Veit		Syme, E. Louise	Laurin, Martyn		20	17			Judge uses following factors in awarding exclusive possession to wife: availability of other accommodations, income, parent with whom child of marriage resides.
Debts, included	HELOC	Boyd v. Boyd, 2008 ABQB 781	<a href="#">Boyd v. Boyd</a>	2008	QB	Burrows		Spitz, Peter	Skovberg, Douglas			23			Judge states that HELOC agreed to after separation and used by husband was matrimonial property.
s. 8(f) property acquired while separate and apart		Boyd v. Boyd, 2008 ABQB 781	<a href="#">Boyd v. Boyd</a>	2008	QB	Burrows		Spitz, Peter	Skovberg, Douglas		8(f)	41			Judge finds parties' financial assets still intertwined after separation, despite long separation period, and awards equal division of assets.
Occupation Rent		Braglin v. Braglin, 2002 ABQB 816	<a href="#">Braglin v. Braglin</a>	2002	QB	Veit		Dunlap, Timothy	Zybutz, Marc			19, 25	K.E. Hannah, Occupation Rent; Lauderdale v Lauderdale [1997] A.J. No. 499 (C.A.); Kazmierczak v Kazmierczak [2001] A.J. No. 955 (Q.B.)	Brennan v. Brennan, 2003 NBQB 2; Marler v. Marler, 2007 ABQB 429	judge concludes that the court can award occupation rent in matrimonial action per s. 9 of the Act, but it is a discretionary remedy and must be pled. States that voluntarily leaving home does not deny claim, nor does not paying a portion of mortgage or utilities. Also states that spousal support better able to deal with occupation rent.

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s. 9 distribution	occupation rent	Braglin v. Braglin, 2002 ABQB 816	<a href="#">Braglin v. Braglin</a>	2002	QB	Veit		Dunlap, Timothy	Zybutz, Marc		9	19			judge states that s. 9 MPA conveys the authority to grant occupation rent
Relationship b/w MPA and other acts, orders	BIA	Breidfjord v. Breidfjord, 2004 ABQB 295	<a href="#">Breidfjord v. Breidfjord</a>	2004	QB	Clark		Colborne, Daniel	Clark, James M.B.			10			Husband sought enforcement of settlement agreement following discharge of wife from bankruptcy. Judge rules MPA settlement not part of exceptions to an order of discharge in s. 178(1) BIA.
Definition of property		Broda v. Broda 2001 CarswellAlt a 1876 a.k.a. B.(L.M.) v. B.(L.J.)	<a href="#">Broda v. Broda</a>	2001	QB	Watson		self	Ares, Louise M	2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257; 2003 ABQB 460; 2002 ABQB 1046 ; 2002 ABCA 133; 2002 ABCA 18		18			Judge states that a narrow definition of property would violate purpose of the Act.

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Relationship b/w MPA and other acts, orders	13 Statute of Elizabeth	Broda v. Broda 2001 CarswellAlta 1876 a.k.a. B.(L.M.) v. B.(I.J.)	<a href="#">Broda v. Broda</a>	2001	QB	Watson		self	Ares, Louise M	2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257; 2003 ABQB 460; 2002 ABQB 1046 ; 2002 ABCA 133; 2002 ABCA 18		30			judge states fraud is not necessary to s. 10 finding.
s. 10 return of gift or property		Broda v. Broda 2001 CarswellAlta 1876 a.k.a. B.(L.M.) v. B.(I.J.)	<a href="#">Broda v. Broda</a>	2001	QB	Watson		self	Ares, Louise M	2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257; 2003 ABQB 460; 2002 ABQB 1046 ; 2002 ABCA 133; 2002 ABCA 18	10	30			Judge states purpose of s. 10 is to ensure the return of property when there's insufficient consideration.
Costs		Broda v. Broda, 2003 ABQB 257 a.k.a. B.(L.M.) v. B.(I.J.)	<a href="#">Broda v. Broda</a>	2003	QB	Wilkins		self	Ares, Louise M	2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 460; 2002 ABQB 1046 ; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876		47, 63	Jigolyk v. Jigolyk, [2000] A.J. No. 402; Calbar Securities Ltd. v. Toole Peet Company, [1984] A.J. No. 817	Mitrovic v. Mitrovic, 2007 ABQB 44; Gardner v. Gardner, 2008 ABQB 750	Judge states that standard is achievement of "substantial success" in action. Awards double costs awarded against husband based on R174(2). Judge also comments on bad conduct of husband.



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Property interest	estate claim	Broen (Estate) (Re), 2002 ABQB 806	<a href="#">Broen (Estate) (Re)</a>	2002	QB	Acton		n/a	Bonora, Doris			14			Act used to support claim by wife for estate upon intestacy of husband's estate (not really a proper use of MPA?)
Assets, included	corporations	Brown v. Silvera, 2009 ABQB 523	<a href="#">Brown v. Silvera</a>	2009	QB	Moen		English, Stephen; Bassili, Amy	Ares, Louise; Brown, Karen	2010 ABQB 224		214			judge finds 3 corps. not included in settlement agreement to be matrimonial property.
Assets, included	post division assets	Brown v. Silvera, 2009 ABQB 523	<a href="#">Brown v. Silvera</a>	2009	QB	Moen		English, Stephen; Bassili, Amy	Ares, Louise; Brown, Karen			625			Post division gains on assets not included in settlement agreement division included. Husband held to have been in breach of duty of trust towards wife. Ordered to be disgorged of his share in all corp. bonuses & gains
Cohabitation		Brown v. Silvera, 2009 ABQB 523	<a href="#">Brown v. Silvera</a>	2009	QB	Moen		English, Stephen; Bassili, Amy	Ares, Louise; Brown, Karen			653			cohabitation appears to be counted as part of valuation period However, deemed irrelevant as corporation ruled valueless at start of relationship.
conduct	post separation	Brown v. Silvera, 2009 ABQB 523	<a href="#">Brown v. Silvera</a>	2009	QB	Moen		English, Stephen; Bassili, Amy	Ares, Louise; Brown, Karen	2010 ABQB 224		66			husband found to have forced wife to sign settlement agreement too quickly, telling her that the family assets were at risk.
Conduct and the MPA		Brown v. Silvera, 2009 ABQB 523	<a href="#">Brown v. Silvera</a>	2009	QB	Moen		English, Stephen; Bassili, Amy	Ares, Louise; Brown, Karen	2010 ABQB 224		633	Rick v. Brandsema 2009 SCC 10		Spouses required to abide by a high std. of conduct when signing s. 37 agreements.

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Constructive or resulting trusts		Brown v. Silvera, 2009 ABQB 523	<a href="#">Brown v. Silvera</a>	2009	QB	Moen		English, Stephen; Bassili, Amy	Ares, Louise; Brown, Karen	2010 ABQB 224		605, 624	Peter v. Beblow, 1993 CanLII 126; Mustard v. Brache, 2006 ABCA 265		court grants rescission of original agreement and finds both a constructive trust and a resulting trust in favour of wife. Judge finds intention by both parties for husband to hold both properties in favour of wife.
Corporate assets valuation		Brown v. Silvera, 2009 ABQB 523	<a href="#">Brown v. Silvera</a>	2009	QB	Moen		English, Stephen; Bassili, Amy	Ares, Louise; Brown, Karen			580			judge considers value established by shareholders in June 2000 to be primary evidence of value of corp. at date of agreement. Accepts valuation method that supports this value.
Date of valuation	date of trial	Brown v. Silvera, 2009 ABQB 523	<a href="#">Brown v. Silvera</a>	2009	QB	Moen		English, Stephen; Bassili, Amy	Ares, Louise; Brown, Karen	2010 ABQB 224		651	Hodgson v. Hodgson, 2005 ABCA 13		Judge states that property owned at date of trial is relevant for distribution as is value of said property.
Disclosure		Brown v. Silvera, 2009 ABQB 523	<a href="#">Brown v. Silvera</a>	2009	QB	Moen		English, Stephen; Bassili, Amy	Ares, Louise; Brown, Karen	2010 ABQB 224		257			husband found to have failed to disclose corp. assets both before signing Minutes of Settlement and later
Equity – fit w/ MPA		Brown v. Silvera, 2009 ABQB 523	<a href="#">Brown v. Silvera</a>	2009	QB	Moen		English, Stephen; Bassili, Amy	Ares, Louise; Brown, Karen	2010 ABQB 224		645			judge states that equity allows for resolution of the case outside the MPAb because parties were divorced by the time deception was discovered. Instead, judge uses law of trusts to give assets back to wife.
fiduciary duty		Brown v. Silvera, 2009 ABQB 523	<a href="#">Brown v. Silvera</a>	2009	QB	Moen		English, Stephen; Bassili, Amy	Ares, Louise; Brown, Karen			625			Husband found to have been fiduciary for wife and in breach by not giving her her share in gains

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income producing assets		Brown v. Silvera, 2009 ABQB 523	<a href="#">Brown v. Silvera</a>	2009	QB	Moen		English, Stephen; Bassili, Amy	Ares, Louise; Brown, Karen	2010 ABQB 224		662			husband argues that wife should not receive benefit of husband's labour in reallocation of assets. Judge disagrees.
Limitation Period	constructive trust	Brown v. Silvera, 2009 ABQB 523	<a href="#">Brown v. Silvera</a>	2009	QB	Moen		English, Stephen; Bassili, Amy	Ares, Louise; Brown, Karen	2010 ABQB 224		213			husband argues that constructive trust argument is barred by a limitation. Judge does not have to rule as she finds company was worthless at date of marriage.
s. 31 disclosure of property		Brown v. Silvera, 2009 ABQB 523	<a href="#">Brown v. Silvera</a>	2009	QB	Moen		English, Stephen; Bassili, Amy	Ares, Louise; Brown, Karen	2010 ABQB 224	31	31, 43	Rick v. Brandsema 2009 SCC 10; Fercho v. Dos Santos, 2006 ABQB 879; Leopold v. Leopold reflex, (2000), 51 O.R. (3d) 275		Judge states that parties are under a duty of full disclosure during divorce proceedings due to the ability to contract a bargain. No duty to inquire in mat. prop. law. Too emotionally fraught. 2 part test from Rick v. Brandsema used.
s. 37 contracting out	settlement agreement	Brown v. Silvera, 2009 ABQB 523	<a href="#">Brown v. Silvera</a>	2009	QB	Moen		English, Stephen; Bassili, Amy	Ares, Louise; Brown, Karen	2010 ABQB 224	37	603	Rick v. Brandsema 2009 SCC 10		2 step CL test for overcoming s. 37 agreement is psychological exploitation and failure to fully disclose (from Rick v. Brandsema)
s. 38 formalities	independent legal advice	Brown v. Silvera, 2009 ABQB 523	<a href="#">Brown v. Silvera</a>	2009	QB	Moen		English, Stephen; Bassili, Amy	Ares, Louise; Brown, Karen		38	155			Independent legal advice given but inadequate. Advisors were blinkered by husband. Failed to inquire.

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s. 7(2) exempt property scope of	corporation	Brown v. Silvera, 2009 ABQB 523	<a href="#">Brown v. Silvera</a>	2009	QB	Moen		English, Stephen; Bassili, Amy	Ares, Louise; Brown, Karen	2010 ABQB 224	7(2)	210			judge does not allow \$500,000 exemption in company value prior to marriage. Husband argues figure represented "future value." Rejected. Company ruled to be valueless at marriage.
strength of s. 7(4) presumption		Brown v. Silvera, 2009 ABQB 523	<a href="#">Brown v. Silvera</a>	2009	QB	Moen		English, Stephen; Bassili, Amy	Ares, Louise; Brown, Karen		7(4)	593			Judge divides evenly all matrimonial assets as of date of agreement, then creates a trust for all monies not received by Silvera: \$3.3 million
Unjust enrichment		Brown v. Silvera, 2009 ABQB 523	<a href="#">Brown v. Silvera</a>	2009	QB	Moen		English, Stephen; Bassili, Amy	Ares, Louise; Brown, Karen	2010 ABQB 224		198	Panara v. Di Ascenzo, 2005 ABCA 47; Wright- Watts v. Watts, 2005 ABQB 708; Hughes v. Hughes, 2006 ABQB 468		The remedy for couple sharing assets before marriage is a finding of unjust enrichment and constructive trust.
Costs	solicitor-client	Brown v. Silvera, 2010 ABQB 224	<a href="#">Brown v. Silvera</a>	2010	QB	Moen		English, Stephen; Bassili, Amy	Ares, Louise; Brown, Karen	2009 ABQB 523		101			judge awards solicitor client costs in addition to contingency fees for the egregiously bad conduct of the husband in deliberately hiding assets and pressuring wife into prematurely signing property division agreement.

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Assets, included	pension	Buckler v. Buckler, 2009 ABQB 175	<a href="#">Buckler v. Buckler</a>	2009	QB	Clackson		Thom, Leonard	Pollock, Michael			6			judge distinguishes interest (date of valuation) from entitlement (date of division) in dividing husband's pension. States that a consideration of ss. 8(c) and 8(f) would have led to the same conclusion.
Date of division	date of child support order	Buckler v. Buckler, 2009 ABQB 175	<a href="#">Buckler v. Buckler</a>	2009	QB	Clackson		Thom, Leonard	Pollock, Michael			6			judge distinguishes interest (date of valuation) from entitlement (date of division) in dividing husband's pension. States that a consideration of ss. 8(c) and 8(f) would have led to the same conclusion.
Method of valuation	PSPA	Buckler v. Buckler, 2009 ABQB 175	<a href="#">Buckler v. Buckler</a>	2009	QB	Clackson		Thom, Leonard	Pollock, Michael			15			husband argues that valuation method used in PSPA should be used. Judge states that PSPA does not interfere with authority or discretion of MPA
Relationship b/w MPA and other acts, orders	Public Sector Plans Act	Buckler v. Buckler, 2009 ABQB 175	<a href="#">Buckler v. Buckler</a>	2009	QB	Clackson		Thom, Leonard	Pollock, Michael			15			husband argues that valuation method used in PSPA should be used. Judge states that PSPA does not interfere with authority or discretion of MPA
s. 8(l) dissipation of property		Buckler v. Buckler, 2009 ABQB 175	<a href="#">Buckler v. Buckler</a>	2009	QB	Clackson		Thom, Leonard	Pollock, Michael		8(l)	26			wife argues husband dissipated funds through gambling. Judge finds there is no evidence to suggest she did not condone activity.

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Assets, included	post-separation property	Buitendyk v. Buitendyk, 2001 ABQB 1037	<a href="#">Buitendyk v. Buitendyk</a>	2001	QB	Clarkson		Kiss, Denise J.	Lawson, Susan B.			34		C.(D.B.) v. W.(R.M.), 2004 ABQB 954	judge refuses to exempt post-separation savings by wife but gives her 100% of distribution of the savings
Division of assets	by asset	Buitendyk v. Buitendyk, 2001 ABQB 1037	<a href="#">Buitendyk v. Buitendyk</a>	2001	QB	Clarkson		Kiss, Denise J.	Lawson, Susan B.			40			100% of post-separation savings given to wife. Remainder of assets divided equally.
Limitation Period		Burns Estate, 2007 ABQB 730	<a href="#">Burns Estate</a>	2007	QB	Eidsvik		n/a	Corenblum, E.B.			17	Weicker v Weicker (1985), 60 A.R. 375		Wife, separated for 23 yrs., attempts to sue estate under MPA. Judge rejects, states that purpose of limitation period is to enable a spouse to make a property claim in addition to a divorce claim.
Relationship b/w MPA and other acts, orders	Divorce Act	Burns Estate, 2007 ABQB 730	<a href="#">Burns Estate</a>	2007	QB	Eidsvik		n/a	Corenblum, E.B.			17			wife claims that ability to bring divorce action revives limitation period. Judge states that failure to bring divorce action cuts off ability to bring MPA action under s. 11.

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s. 11 Application by spouse of deceased		Burns Estate, 2007 ABQB 730	<a href="#">Burns Estate</a>	2007	QB	Eidsvik		n/a	Corenblum, E.B.		11	15, 18	Saxby v Richardson Estate (1995), 164 A.R. 196; ALRI 1975 Report no. 18 on Matrimonial Property; ALRI March 1990 Report no 57; ALRI Report no. 83, May 2000		Spouses only able to bring or continue MPA action if separated and involved in a divorce proceeding prior to death of other spouse. Judge states that separated wife's failure to bring divorce action cuts off ability to bring MPA action under s. 11.
s. 5 Conditions precedent to application	purpose	Burns Estate, 2007 ABQB 730	<a href="#">Burns Estate</a>	2007	QB	Eidsvik		n/a	Corenblum, E.B.		5	17	Weicker v Weicker (1985), 60 A.R. 375		Purpose of ss. 5 & 6 is to permit a spouse to make an MPA claim at same time as divorce claim. 2 yr. limitation period included in case spouse not aware of property claim.
s. 6 Time for application	purpose	Burns Estate, 2007 ABQB 730	<a href="#">Burns Estate</a>	2007	QB	Eidsvik		n/a	Corenblum, E.B.		6	17			Purpose of ss. 5 & 6 is to permit a spouse to make an MPA claim at same time as divorce claim. 2 yr. limitation period included in case spouse not aware of property claim.

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Assets, included	HELOC	Busenius v. Busenius, 2006 ABQB 162	<a href="#">Busenius v. Busenius</a>	2006	QB	Clackson		Briere, Kathy	MacKay, Michelle			15-16			husband's failure to be forthright noted in judge's decision to treat HELOC as matrimonial debt.
Assets, included	pension	Busenius v. Busenius, 2006 ABQB 162	<a href="#">Busenius v. Busenius</a>	2006	QB	Clackson		Briere, Kathy	MacKay, Michelle			12			judge notes it is in husband's interest to state he will be working longer as it will reduce current value of his pension. Affixed date at 60.
Debts, included	loans from family	Busenius v. Busenius, 2006 ABQB 162	<a href="#">Busenius v. Busenius</a>	2006	QB	Clackson		Briere, Kathy	MacKay, Michelle			26			judge questions validity of loans based on fact that husband's income was much greater than his expenses. Includes but states he will use s. 8 to deal with them appropriately.
Debts, included	post separation debt	Busenius v. Busenius, 2006 ABQB 162	<a href="#">Busenius v. Busenius</a>	2006	QB	Clackson		Briere, Kathy	MacKay, Michelle			3, 26		S.(E.) v. S.(J.S.), 2007 ABQB 321; Marler v. Marler, 2007 ABQB 429	judge states it is preferable to treat post-separation debt as matrimonial property. <i>Judge notes that MPA does not discuss debt, only assets.</i>
Debts, included	post separation debt	Busenius v. Busenius, 2006 ABQB 162	<a href="#">Busenius v. Busenius</a>	2006	QB	Clackson		Briere, Kathy	MacKay, Michelle			34, 36		S.(E.) v.S.(J.S.), 2007 ABQB 321	judge states these are matrimonial property but gives them 100% to each party who incurred them



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Occupation Rent		Busenius v. Busenius, 2006 ABQB 162	<a href="#">Busenius v. Busenius</a>	2006	QB	Clackson		Briere, Kathy	MacKay, Michelle			46	Kazmierczak v. Kazmierczak 2001 ABQB 610	Peleshaty v. Peleshaty, 2007 ABQB 598; Seeman v. Seeman, 2010 ABQB 30; Beaudry v. Beaudry, 2010 ABQB 119; Behiels v. McCarthy, 2010 ABQB 281	Extensive discussion of occupation rent. Judge states there is no basis for an award of occupation rent, argues for caution in applying CL occupation rent to family law context. States that in some contexts an LPA claim may be permissible as a response to a claim for contribution to a mortgage.
Purpose of the MPA		Busenius v. Busenius, 2006 ABQB 162	<a href="#">Busenius v. Busenius</a>	2006	QB	Clackson		Briere, Kathy	MacKay, Michelle			27			Judge states MPA encompasses all property of both spouses.
s. 7(3)(a) tracing	RRSP	Busenius v. Busenius, 2006 ABQB 162	<a href="#">Busenius v. Busenius</a>	2006	QB	Clackson		Briere, Kathy	MacKay, Michelle		7(3)(a)	19	Harrower v. Harrower, [1989] A.J. No. 629	McAdam v. McAdam, 2009 ABQB 109	husband claims tracing as a result of cashing RRSPs. Judge states traced amount must end up in an identifiable asset. Rejects.
s. 8(f) property acquired while separate and apart		Busenius v. Busenius, 2006 ABQB 162	<a href="#">Busenius v. Busenius</a>	2006	QB	Clackson		Briere, Kathy	MacKay, Michelle		8(f)	29			debts incurred to brother post-separation given 100% to husband
s. 8(l) dissipation of property		Busenius v. Busenius, 2006 ABQB 162	<a href="#">Busenius v. Busenius</a>	2006	QB	Clackson		Briere, Kathy	MacKay, Michelle		8(l)	27			considered

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s. 8(m) other		Busenius v. Busenius, 2006 ABQB 162	<a href="#">Busenius v. Busenius</a>	2006	QB	Clackson		Briere, Kathy	MacKay, Michelle		8(m)	27			considered but not elaborated on
standing	3rd party	Bustria v. Bustria, 2004 ABQB 368	<a href="#">Bustria v. Bustria</a>	2004	QB	Clarke		Peacock, Sarah	Bull, Ruth			17-18			3rd party sought leave to be included as a party to the action, had been living as a CL spouse of husband for 20 yrs. Judge notes expanded rights of CL spouses has led to order.
Assets, excluded	RESP	Bzdziuch v. Bzdziuch 2001 ABQB 306	<a href="#">Bzdziuch v. Bzdziuch</a>	2001	QB	Fraser		Young, A.G.	Hannah, K.E.			16			children are beneficial owners
Assets, excluded	trust fund	Bzdziuch v. Bzdziuch 2001 ABQB 306	<a href="#">Bzdziuch v. Bzdziuch</a>	2001	QB	Fraser		Young, A.G.	Hannah, K.E.			20			family trust as tax vehicle for income
Assets, exempt	pension	Bzdziuch v. Bzdziuch 2001 ABQB 306	<a href="#">Bzdziuch v. Bzdziuch</a>	2001	QB	Fraser		Young, A.G.	Hannah, K.E.		7(2)	45			contributions earned prior to marriage exempt
Assets, included	building supplies	Bzdziuch v. Bzdziuch 2001 ABQB 306	<a href="#">Bzdziuch v. Bzdziuch</a>	2001	QB	Fraser		Young, A.G.	Hannah, K.E.		7(2)	44		Chalifoux v. Chalifoux 2008 ABCA 70	building supplies purchased with inheritance money ruled not traceable b/c used in house

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Assets, included	furnishings	Bzdziuch v. Bzdziuch 2001 ABQB 306	<a href="#">Bzdziuch v. Bzdziuch</a>	2001	QB	Fraser		Young, A.G.	Hannah, K.E.			23			
Corporate assets	"lifting the corporate veil"	Bzdziuch v. Bzdziuch 2001 ABQB 306	<a href="#">Bzdziuch v. Bzdziuch</a>	2001	QB	Fraser		Young, A.G.	Hannah, K.E.			14			not lifted because of business partner
Costs		Bzdziuch v. Bzdziuch 2001 ABQB 306	<a href="#">Bzdziuch v. Bzdziuch</a>	2001	QB	Fraser		Young, A.G.	Hannah, K.E.			78			in contempt of order to produce
Date of valuation	multiple dates used	Bzdziuch v. Bzdziuch 2001 ABQB 306	<a href="#">Bzdziuch v. Bzdziuch</a>	2001	QB	Fraser		Young, A.G.	Hannah, K.E.			11			multiple dates of valuation proposed and used
s. 36(2)(a) presumption of joint ownership	property	Bzdziuch v. Bzdziuch 2001 ABQB 306	<a href="#">Bzdziuch v. Bzdziuch</a>	2001	QB	Fraser		Young, A.G.	Hannah, K.E.		36(2)(a)	39	Jackson v. Jackson (1989), 97 A.R. 153, Trenchie v. Trenchie (1987), 84 A.R. 188		not rebutted
s. 7(3)(a) tracing	property	Bzdziuch v. Bzdziuch 2001 ABQB 306	<a href="#">Bzdziuch v. Bzdziuch</a>	2001	QB	Fraser		Young, A.G.	Hannah, K.E.		7(3)(a)	39, 50	Harrower v. Harrower (1989), 97 A.R. 141	W. v. W., 2005 PESCAD 6	prior property

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s. 8(l) dissipation of property		Bzdziuch v. Bzdziuch 2001 ABQB 306	<a href="#">Bzdziuch v. Bzdziuch</a>	2001	QB	Fraser		Young, A.G.	Hannah, K.E.		8(l)	72	Bracewell v. Bracewell (1994), 152 A.R. 379, Baskett v. Baskett (July 4, 1996), Doc. Edmonton 4803-91884, 9303-11025		proposes rule that reduction in value of property attributable to one party should be ascribed to that party
s. 8(m) other	beneficial owners	Bzdziuch v. Bzdziuch 2001 ABQB 306	<a href="#">Bzdziuch v. Bzdziuch</a>	2001	QB	Fraser		Young, A.G.	Hannah, K.E.		8(m)	16			children are beneficial owners
s. 8(m) other	credibility	Bzdziuch v. Bzdziuch 2001 ABQB 306	<a href="#">Bzdziuch v. Bzdziuch</a>	2001	QB	Fraser		Young, A.G.	Hannah, K.E.		8(m)	24-30			unequal division

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Assets, included	stock options	C.(D.B.) v. W.(R.M.), 2004 ABQB 954	<a href="#">C.(D.B.) v. W.(R.M.)</a>	2004	QB	Topolniski		Allen, Laurie	Foster, Ronald	2006 ABQB 905		91	Roberts v. Roberts, 1999 ABQB 944; Gardiner v. Gardiner (1996), 191 A.R. 139; Miller v. Miller, 2004 ABCA 257 aka M.(D.G.) v. M.(K.M.)		stock options treated as assets, not income
Corporate assets	shares	C.(D.B.) v. W.(R.M.), 2004 ABQB 954	<a href="#">C.(D.B.) v. W.(R.M.)</a>	2004	QB	Topolniski		Allen, Laurie	Foster, Ronald	2006 ABQB 905		71	Faulkner v. Faulkner (1998), 228 A.R. 49		judge states court does not have authority to override restriction on transfer of shares.
Date of valuation	date of trial	C.(D.B.) v. W.(R.M.), 2004 ABQB 954	<a href="#">C.(D.B.) v. W.(R.M.)</a>	2004	QB	Topolniski		Allen, Laurie	Foster, Ronald	2006 ABQB 905		55	Wilson v. Wilson (1986), 2 R. F. L. (3d) 86; C.(D.B.) v. W.(R.M.), 2004 ABQB 954		"continuing interdependence" cited as a factor for date of trial as date of valuation
Debts, excluded	legal fees	C.(D.B.) v. W.(R.M.), 2004 ABQB 954	<a href="#">C.(D.B.) v. W.(R.M.)</a>	2004	QB	Topolniski		Allen, Laurie	Foster, Ronald	2006 ABQB 905		107		Katrib v. Katrib, 2007 ABQB 626	judge states legal fees must be excluded otherwise they will lead to "disproportionate legal expenses and maneuvering."

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Distribution of assets	in specie	C.(D.B.) v. W.(R.M.), 2004 ABQB 954	<a href="#">C.(D.B.) v. W.(R.M.)</a>	2004	QB	Topolniski		Allen, Laurie	Foster, Ronald	2006 ABQB 905		76	Faulkner v. Faulkner (1998), 228 A.R. 49	Gardner v. Gardner, 2008 ABQB 527	judge states that in specie distribution is necessary as it is not possible to value shares at time of trial. Directs husband to hold shares in trust for wife.
Division of assets	by asset	C.(D.B.) v. W.(R.M.), 2004 ABQB 954	<a href="#">C.(D.B.) v. W.(R.M.)</a>	2004	QB	Topolniski		Allen, Laurie	Foster, Ronald	2006 ABQB 905			passim		judge discusses and divides each asset separately.
s. 8(f) property acquired while separate and apart	stock options	C.(D.B.) v. W.(R.M.), 2004 ABQB 954	<a href="#">C.(D.B.) v. W.(R.M.)</a>	2004	QB	Topolniski		Allen, Laurie	Foster, Ronald	2006 ABQB 905	8(f)	96	Horn v. Horn reflex, (1991), 36 R.F.L. (3d) 105; Buitendyk v. Buitendyk, 2001 ABQB 1037		judge refuses to distribute husband's stock options acquired post-separation to wife.
s. 8(l) dissipation of property		C.(D.B.) v. W.(R.M.), 2004 ABQB 954	<a href="#">C.(D.B.) v. W.(R.M.)</a>	2004	QB	Topolniski		Allen, Laurie	Foster, Ronald	2006 ABQB 905	8(l)	108			Judge notes that dissipation could have been but was not argued
Occupation Rent		C.(D.L.) v. C.(S.J.), 2003 ABQB 480	<a href="#">C.(D.L.) v. C.(S.J.)</a>	2003	QB	Verville		Pollock, Michael	Kiriak, Jerry D.			65	Kazmierczak v. Kazmierczak 2001 ABQB 610		Occupation rent granted for period when husband occupied home alone based on fact that wife had paid out her half of mortgage (minus \$5000) but was not occupying home.

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Debts, excluded	future disposition costs	Cador v. Chichak, 2000 ABCA 10	<a href="#">Cador v. Chichak</a>	2000	CA	McClung, Hetherington, Sulatyky		Spitz, D.	Becker, R.L.	afmg. 1998 ABQB 881, additional reasons 2000 ABCA 155		9	Laskosky v. Laskosky [1999] A.J. No. 131 (Q.B.)	McCulloch v. McCulloch, 2003 ABQB 432	court refuses to allow future disposition costs due to uncertainty that they will crystalize
s. 8(f) property acquired while separate and apart	RRSP contributions	Cador v. Chichak, 2000 ABCA 10	<a href="#">Cador v. Chichak</a>	2000	CA	McClung, Hetherington, Sulatyky		Spitz, D.	Becker, R.L.	afmg. 1998 ABQB 881, additional reasons 2000 ABCA 155	8(f)	12			Discretion of the trial judge upheld
Assets, excluded	student loan	Cahill v. Weaver, 2005 ABQB 618	<a href="#">Cahill v. Weaver</a>	2005	QB	Verville		Dorzak, Anita	McBean, Jean			53			Wife argues for inclusion of repayment of loan as an asset. Judge refuses, states amount covered by mat. prop. division.
Assets, included	airplane points	Cahill v. Weaver, 2005 ABQB 618	<a href="#">Cahill v. Weaver</a>	2005	QB	Verville		Dorzak, Anita	McBean, Jean			49			judge orders wife to give husband enough points to fly with children first class to Ireland to visit grandparents. If airline unwilling to recognize order, ordered to pay for economy class tickets.
Assets, included	corporation	Cahill v. Weaver, 2005 ABQB 618	<a href="#">Cahill v. Weaver</a>	2005	QB	Verville		Dorzak, Anita	McBean, Jean			40			wife argues for unequal division of increase in corp. assets after separation. Judge states that equal division will apply based on husband's contributions to marriage and success of business.
Assets, included	interim payment	Cahill v. Weaver, 2005 ABQB 618	<a href="#">Cahill v. Weaver</a>	2005	QB	Verville		Dorzak, Anita	McBean, Jean			55			husband argues interim payment was towards costs and should not be included. Judge rules it is included.

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Assets, included	moving chattels	Cahill v. Weaver, 2005 ABQB 618	<a href="#">Cahill v. Weaver</a>	2005	QB	Verville		Dorzak, Anita	McBean, Jean			52			wife requests refund of \$3000 required to move chattels to husband's new residence. Judge grants 1/2 credit.
Assets, included	pension	Cahill v. Weaver, 2005 ABQB 618	<a href="#">Cahill v. Weaver</a>	2005	QB	Verville		Dorzak, Anita	McBean, Jean			58			husband's failure to disclose amount results in judge valuing pension at a higher amount than requested by husband.
Corporate assets	goodwill	Cahill v. Weaver, 2005 ABQB 618	<a href="#">Cahill v. Weaver</a>	2005	QB	Verville		Dorzak, Anita	McBean, Jean			84			percentage of goodwill at issue. Judge determines it to be 40%.
Occupation Rent		Cahill v. Weaver, 2005 ABQB 618	<a href="#">Cahill v. Weaver</a>	2005	QB	Verville		Dorzak, Anita	McBean, Jean			106	Kazmierczak v. Kazmierczak 2001 ABQB 610		judge refuses to grant occupation rent. Wife had been making mortgage payments, had offered to purchase husband's share.
Potential s. 8 factors	length of time between separation and trial	Cahill v. Weaver, 2005 ABQB 618	<a href="#">Cahill v. Weaver</a>	2005	QB	Verville		Dorzak, Anita	McBean, Jean		8	40			judge states short time between separation and trial argues in favour of equal division.
Pre-judgment interest		Cahill v. Weaver, 2005 ABQB 618	<a href="#">Cahill v. Weaver</a>	2005	QB	Verville		Dorzak, Anita	McBean, Jean			108	Crane v. Crane (1996), 189 A.R. 81		judge refuses to award husband prejudgment interest. States that wife offered several times to buy husband's share, which he rejected. Also, husband benefits from increase in property.



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s. 8(a) contribution to marriage and family		Cahill v. Weaver, 2005 ABQB 618	<a href="#">Cahill v. Weaver</a>	2005	QB	Verville		Dorzak, Anita	McBean, Jean		8(a)	37			wife argues for unequal division of increase in corp. assets after separation. Judge states that equal division will apply based on husband's contributions to marriage and success of business.
s. 8(b) contribution to business		Cahill v. Weaver, 2005 ABQB 618	<a href="#">Cahill v. Weaver</a>	2005	QB	Verville		Dorzak, Anita	McBean, Jean		8(a)	37			wife argues for unequal division of increase in corp. assets after separation. Judge states that equal division will apply based on husband's contributions to marriage and success of business.
s. 8(d) income, earning capacity, liabilities, obligations, other resources		Cahill v. Weaver, 2005 ABQB 618	<a href="#">Cahill v. Weaver</a>	2005	QB	Verville		Dorzak, Anita	McBean, Jean		8(d)	37			wife argues for unequal division of increase in corp. assets after separation. Judge states that "enormous disparity in incomes" is a factor.
s. 8(f) property acquired while separate and apart		Cahill v. Weaver, 2005 ABQB 618	<a href="#">Cahill v. Weaver</a>	2005	QB	Verville		Dorzak, Anita	McBean, Jean		8(f)	36			wife argues for unequal division of increase in corp. assets after separation. Judge states that equal division will apply based on husband's contributions to marriage and success of business.
s. 8(l) dissipation of property		Cahill v. Weaver, 2005 ABQB 618	<a href="#">Cahill v. Weaver</a>	2005	QB	Verville		Dorzak, Anita	McBean, Jean		8(l)	111			husband argued hiring a p.i. constituted dissipation. Rejected.

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Date of valuation	date of trial	Campbell v. Campbell, 2007 ABQB 637	<a href="#">Campbell v. Campbell</a>	2007	QB	Phillips		Allen, Laurie; Bailey, Michelle	Daunais, Patricia			96	Hodgson v. Hodgson, 2005 ABCA 13; 2005 ALRI report		date of trial used
Distribution of assets	in specie	Campbell v. Campbell, 2007 ABQB 637	<a href="#">Campbell v. Campbell</a>	2007	QB	Phillips		Allen, Laurie; Bailey, Michelle	Daunais, Patricia			111	Kazmierczak v. Kazmierczak 2001 ABQB 610		
Division of assets	by percentage	Campbell v. Campbell, 2007 ABQB 637	<a href="#">Campbell v. Campbell</a>	2007	QB	Phillips		Allen, Laurie; Bailey, Michelle	Daunais, Patricia			112	Kazmierczak v. Kazmierczak 2003 ABCA 227		
Reconciliation		Campbell v. Campbell, 2007 ABQB 637	<a href="#">Campbell v. Campbell</a>	2007	QB	Phillips		Allen, Laurie; Bailey, Michelle	Daunais, Patricia			92	Divorce Act, Greaves v. Greaves (Ont. S.C.J.)		Judge determines date of separation by date that parties were leading "meaningful separate lives"
s. 8 factors	no priority to factors	Campbell v. Campbell, 2007 ABQB 637	<a href="#">Campbell v. Campbell</a>	2007	QB	Phillips		Allen, Laurie; Bailey, Michelle	Daunais, Patricia		8	96	Hodgson v. Hodgson, 2005 ABCA 13, Mazurenko v. Mazurenko (1981), 30 A.R. 34		strength of the presumption

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s. 8(f) property acquired while separate and apart		Campbell v. Campbell, 2007 ABQB 637	<a href="#">Campbell v. Campbell</a>	2007	QB	Phillips		Allen, Laurie; Bailey, Michelle	Daunais, Patricia		8(f)	109	Greaves v. Greaves (Ont. S.C.J.)	Vanos v. Vanos 2009 CanLII 55328 (OnSC)	does case state no presumption of unequal distribution while s & a?
s. 8(m) other	disclosure	Campbell v. Campbell, 2007 ABQB 637	<a href="#">Campbell v. Campbell</a>	2007	QB	Phillips		Allen, Laurie; Bailey, Michelle	Daunais, Patricia		8(m)	120	Cunha v. Cunha (1994), 99 B.C.L.R. (2d) 93, Leskun v. Leskun, 2006 SCC 25		Quotes Binnie, J. from Leskun as calling non-disclosure "the cancer of matrimonial property litigation." pprolonging the stress of litigation and leading to "weary and drained women"
Unjust enrichment		Campbell v. MacKenzie 2003 ABPC 203	<a href="#">Campbell v. MacKenzie</a>	2003	Pro v.	Ayotte		self	Dhir, S.K.; Roberts, R.			20	Barleben (Schultz) v. Barleben (1964), 46 W.W.R. 683, 44 D.L.R. (2d) 332 Ruff v. Strobel, [1978] 3 W.W.R. 588		MPA does not apply. Resulting trust found. D's gift benefitted household
Corporate assets	"Lifting the corporate veil"	Carlson v. Carlson, 2007 ABQB 5	<a href="#">Carlson v. Carlson</a>	2007	QB	McDonald		Hryniuk, Peter	Van Harten, Harry			47			judge states corporation "is nothing more than a vehicle whereby Mr. Carlson earned his consulting income and had little in the way of other assets."
s. 8(k) potential tax liability		Carlson v. Carlson, 2007 ABQB 5	<a href="#">Carlson v. Carlson</a>	2007	QB	McDonald		Hryniuk, Peter	Van Harten, Harry		8(k)	48			judge values assets as net assets after tax

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Corporate assets	"lifting the corporate veil"	Carmichael v. Carmichael 2007 ABCA 3	<a href="#">Carmichael v. Carmichael</a>	2007	CA	Berger, Watson, Slatter		Richard, A.D.	Rice, E.G.	rev'g. 2005 ABQB 957		24			husband is sole shareholder
Debts, excluded	legal fees, Social Services	Carmichael v. Carmichael 2007 ABCA 3	<a href="#">Carmichael v. Carmichael</a>	2007	CA	Berger, Watson, Slatter		Richard, A.D.	Rice, E.G.	rev'g. 2005 ABQB 957		24			
Debts, included	corporate debt	Carmichael v. Carmichael 2007 ABCA 3	<a href="#">Carmichael v. Carmichael</a>	2007	CA	Berger, Watson, Slatter		Richard, A.D.	Rice, E.G.	rev'g. 2005 ABQB 957		22			corporate debts are matrimonial debts
Debts, included	corporate debt	Carmichael v. Carmichael 2007 ABCA 3	<a href="#">Carmichael v. Carmichael</a>	2007	CA	Berger, Watson, Slatter		Richard, A.D.	Rice, E.G.	rev'g. 2005 ABQB 957		65			
Debts, included	taxes	Carmichael v. Carmichael 2007 ABCA 3	<a href="#">Carmichael v. Carmichael</a>	2007	CA	Berger, Watson, Slatter		Richard, A.D.	Rice, E.G.	rev'g. 2005 ABQB 957		23	Sparrow v. Sparrow, 2006 ABCA		unpaid taxes may be included if assets were used to contribute to family's lifestyle
Debts, included	taxes	Carmichael v. Carmichael 2007 ABCA 3	<a href="#">Carmichael v. Carmichael</a>	2007	CA	Berger, Watson, Slatter		Richard, A.D.	Rice, E.G.	rev'g. 2005 ABQB 957		24			taxes and accounting debt conceded by husband included among matrimonial property.
Debts, included		Carmichael v. Carmichael 2007 ABCA 3	<a href="#">Carmichael v. Carmichael</a>	2007	CA	Berger, Watson, Slatter		Richard, A.D.	Rice, E.G.	rev'g. 2005 ABQB 957		23	Sparrow v. Sparrow 2006 ABCA 155	Peleshaty v. Pelashaty 2007 ABQB 598	debt may be included where it contributes to acquisition of matrimonial assets or maintenance of matrimonial lifestyle.
Division of assets		Carmichael v. Carmichael 2007 ABCA 3	<a href="#">Carmichael v. Carmichael</a>	2007	CA	Berger, Watson, Slatter		Richard, A.D.	Rice, E.G.	rev'g. 2005 ABQB 957		31		Mesmar v. Mesmar 2009 ABQB 32;	no net assets. Court divides debt.

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Reconciliation		Carmichael v. Carmichael 2007 ABCA 3	<a href="#">Carmichael v. Carmichael</a>	2007	CA	Berger, Watson, Slatter		Richard, A.D.	Rice, E.G.	rev'g. 2005 ABQB 957		29			Judge notes that MPA "does not discourage reconciliation"
s. 7(2) exempt property scope of	property acquired after separation	Carmichael v. Carmichael 2007 ABCA 3	<a href="#">Carmichael v. Carmichael</a>	2007	CA	Berger, Watson, Slatter		Richard, A.D.	Rice, E.G.	rev'g. 2005 ABQB 957	7(2)	20			Although property acquired when married, judge treats property as if acquired when unmarried.
s. 7(3) property	valuation	Carmichael v. Carmichael 2007 ABCA 3	<a href="#">Carmichael v. Carmichael</a>	2007	CA	Berger, Watson, Slatter		Richard, A.D.	Rice, E.G.	rev'g. 2005 ABQB 957	7(3)	26-7		Hornby v. Hornby, 2007 ABQB 464	after subtracting exempt equity, mortgage reduction shared equally as 7(4) property
s. 7(3)(a) tracing	property	Carmichael v. Carmichael 2007 ABCA 3	<a href="#">Carmichael v. Carmichael</a>	2007	CA	Berger, Watson, Slatter		Richard, A.D.	Rice, E.G.	rev'g. 2005 ABQB 957	7(3)(a)	18	Harrower v. Harrower (1989), 97 A.R. 141		\$15000 given to corporation ruled not to be traced to home
Debts, excluded	corporate debt, CCRA, legal fees	Carmichael v. Carmichael, 2005 ABQB 957	<a href="#">Carmichael v. Carmichael</a>	2005	QB	Burrows		Richard, Anthony	Rice, Elsa	2006 ABQB 306; 2006 ABQB 538; rev'd. 2007 ABCA 3		22			
Debts, included	loans from family	Carmichael v. Carmichael, 2005 ABQB 957	<a href="#">Carmichael v. Carmichael</a>	2005	QB	Burrows		Richard, Anthony	Rice, Elsa	2006 ABQB 306; 2006 ABQB 538; rev'd. 2007 ABCA 3		21			
s. 7(2) exempt property scope of	down payment	Carmichael v. Carmichael, 2005 ABQB 957	<a href="#">Carmichael v. Carmichael</a>	2005	QB	Burrows		Richard, Anthony	Rice, Elsa	2006 ABQB 306; 2006 ABQB 538; rev'd. 2007 ABCA 3	7(2)	5			down payment on house purchased while married but separated considered to be exempt assets

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s. 7(2) exempt property scope of	proceeds from sale of condo	Carmichael v. Carmichael, 2005 ABQB 957	<a href="#">Carmichael v. Carmichael</a>	2005	QB	Burrows		Richard, Anthony	Rice, Elsa	2006 ABQB 306; 2006 ABQB 538; rev'd. 2007 ABCA 3	7(2)	6			entire proceeds from sale of wife's condo gifted to husband but considered to be exempt assets
s. 7(3) property		Carmichael v. Carmichael, 2005 ABQB 957	<a href="#">Carmichael v. Carmichael</a>	2005	QB	Burrows		Richard, Anthony	Rice, Elsa	2006 ABQB 306; 2006 ABQB 538; rev'd. 2007 ABCA 3	7(3)	10, 16			judge determines increase in mat. home equity attributable to exempt equity to be s. 7(3) property. Gives each party their presumed increase without division.
s. 8(e) duration of marriage		Carmichael v. Carmichael, 2005 ABQB 957	<a href="#">Carmichael v. Carmichael</a>	2005	QB	Burrows		Richard, Anthony	Rice, Elsa	2006 ABQB 306; 2006 ABQB 538; rev'd. 2007 ABCA 3	8(e)	13			judge notes parties have been apart more than they were together but rules duration of marriage is 7 yrs., total cohabitation around 20 mos.
Assets, excluded	shareholder's loans	Chalifoux v. Chalifoux, 2006 ABQB 535	<a href="#">Chalifoux v. Chalifoux</a>	2006	QB	Read		Goldsmann, Alvin	Picard, Norman	rev'd. 2008 ABCA 70		149			Shareholder's loans to corp. excluded from division.
Assets, exempt	car	Chalifoux v. Chalifoux, 2006 ABQB 535	<a href="#">Chalifoux v. Chalifoux</a>	2006	QB	Read		Goldsmann, Alvin	Picard, Norman	rev'd. 2008 ABCA 70		169			judge calculates ratio payment by wife to price of car in determining exempt amt. of remaining value.
Assets, exempt	time share	Chalifoux v. Chalifoux, 2006 ABQB 535	<a href="#">Chalifoux v. Chalifoux</a>	2006	QB	Read		Goldsmann, Alvin	Picard, Norman	rev'd. 2008 ABCA 70		159			time share traceable to p.i. settlement exempted from distribution.

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Assets, included	pension	Chalifoux v. Chalifoux, 2006 ABQB 535	<a href="#">Chalifoux v. Chalifoux</a>	2006	QB	Read		Goldsmann, Alvin	Picard, Norman	rev'd. 2008 ABCA 70		155			Wife argues for constructive trust of pension money accumulated during cohabitation but does not present caselaw. Rejected.
Assets, included	RRSPs	Chalifoux v. Chalifoux, 2006 ABQB 535	<a href="#">Chalifoux v. Chalifoux</a>	2006	QB	Read		Goldsmann, Alvin	Picard, Norman	rev'd. 2008 ABCA 70		151			Wife argues husband's RRSP money came from her. Ruled a gift. No exemption given.
Corporate assets valuation	property	Chalifoux v. Chalifoux, 2006 ABQB 535	<a href="#">Chalifoux v. Chalifoux</a>	2006	QB	Read		Goldsmann, Alvin	Picard, Norman	rev'd. 2008 ABCA 70		145			business valued based on land owned by business
Division of assets	by asset	Chalifoux v. Chalifoux, 2006 ABQB 535	<a href="#">Chalifoux v. Chalifoux</a>	2006	QB	Read		Goldsmann, Alvin	Picard, Norman	rev'd. 2008 ABCA 70		passim			division of property is on a by asset basis.
s. 7(2) exempt property scope of	home improvements	Chalifoux v. Chalifoux, 2006 ABQB 535	<a href="#">Chalifoux v. Chalifoux</a>	2006	QB	Read		Goldsmann, Alvin	Picard, Norman	rev'd. 2008 ABCA 70	7(2)	135			Wife argues for an exemption on the \$52,000 she spent in home improvements using money from p.i. settlement. Rejected.
s. 7(2) exempt property scope of	loan	Chalifoux v. Chalifoux, 2006 ABQB 535	<a href="#">Chalifoux v. Chalifoux</a>	2006	QB	Read		Goldsmann, Alvin	Picard, Norman	rev'd. 2008 ABCA 70	7(2)	142			loan paid with settlement funds found to have 50% exemption.

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s. 7(2) exempt property scope of	personal injury settlement	Chalifoux v. Chalifoux, 2006 ABQB 535	<a href="#">Chalifoux v. Chalifoux</a>	2006	QB	Read		Goldsmann, Alvin	Picard, Norman	rev'd. 2008 ABCA 70	7(2)	129			Funds deposited briefly in joint account but quickly invested in wife's name only held to be exempt property.
s. 7(3)(a) tracing	motor home	Chalifoux v. Chalifoux, 2006 ABQB 535	<a href="#">Chalifoux v. Chalifoux</a>	2006	QB	Read		Goldsmann, Alvin	Picard, Norman	rev'd. 2008 ABCA 70	7(3)(a)	164	Harrower v. Harrower [1989] A.J. No. 629.		motor home traceable to p.i. settlement given 1/2 exemption.
s. 8(f) property acquired while separate and apart		Chalifoux v. Chalifoux, 2006 ABQB 535	<a href="#">Chalifoux v. Chalifoux</a>	2006	QB	Read		Goldsmann, Alvin	Picard, Norman	rev'd. 2008 ABCA 70	8(f)	139			equity in house purchased after separation divided 50/50.
s. 8(k) potential tax liability		Chalifoux v. Chalifoux, 2006 ABQB 535	<a href="#">Chalifoux v. Chalifoux</a>	2006	QB	Read		Goldsmann, Alvin	Picard, Norman	rev'd. 2008 ABCA 70	8(k)	141, 156			cottage houses values and pension discounted for potential tax.
Cohabitation and the MPA		Chalifoux v. Chalifoux, 2008 ABCA 70	<a href="#">Chalifoux v. Chalifoux</a>	2008	CA	Conrad, Rowbotham	Berger	Goldsmann, Alvin	Huizinga, Tina	rev'g. 2006 ABQB 535		47			court states that MPA does not apply to period of cohabitation.
s. 7(3) property	cabin	Chalifoux v. Chalifoux, 2008 ABCA 70	<a href="#">Chalifoux v. Chalifoux</a>	2008	CA	Conrad, Rowbotham	Berger	Goldsmann, Alvin	Huizinga, Tina	rev'g. 2006 ABQB 535	7(3)	46	Sparrow v. Sparrow, 2006 ABCA 155		Rules that cabin purchased after separation from exempt funds is exempt from distribution.



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s. 7(3)(a) tracing	home improvements	Chalifoux v. Chalifoux, 2008 ABCA 70	<a href="#">Chalifoux v. Chalifoux</a>	2008	CA	Conrad, Rowbotham	Berger	Goldsmann, Alvin	Huizinga, Tina	rev'g. 2006 ABQB 535	7(3)(a)	44	Bzdziuch v. Bzdziuch, 2001 ABQB 306		court upholds TJ's ruling not to give exemption for s. 7(2) money used for improvements to mat. home. Berger dissents from this portion of the ruling.
Assets, included	furnishings	Chase v. Chase 2000 CarswellAlt a 838; [2000] A.J. No. 94	<a href="#">Chase v. Chase</a>	2000	QB	Jones		Ness, R.G.	Bains, Sarbjit			29			judge notes difficulty of valuing furnishings and sets value at 1/2 value asserted by husband
Corporate assets valuation	asset-based approach	Chase v. Chase 2000 CarswellAlt a 838; [2000] A.J. No. 94	<a href="#">Chase v. Chase</a>	2000	QB	Jones		Ness, R.G.	Bains, Sarbjit			35			firm uses assets approach for valuation, rather than earnings approach
Method of valuation	property	Chase v. Chase 2000 CarswellAlt a 838; [2000] A.J. No. 94	<a href="#">Chase v. Chase</a>	2000	QB	Jones		Ness, R.G.	Bains, Sarbjit			33			judge accepts property tax statement as valuation of second property.
Relationship b/w MPA and other acts, orders	spousal support order	Chase v. Chase 2000 CarswellAlt a 838; [2000] A.J. No. 94	<a href="#">Chase v. Chase</a>	2000	QB	Jones		Ness, R.G.	Bains, Sarbjit			55			Judge gives full credit for payment of property taxes against arrears in support in determining equalization payment.

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s. 8(d) income, earning capacity, liabilities, obligations, other resources		Chase v. Chase 2000 CarswellAlt a 838; [2000] A.J. No. 94	<a href="#">Chase v. Chase</a>	2000	QB	Jones		Ness, R.G.	Bains, Sarbjit		8(d)	47			Judge states that higher earning capacity of husband militates in favour of an unequal distribution.
s. 8(f) property acquired while separate and apart	increase in business assets	Chase v. Chase 2000 CarswellAlt a 838; [2000] A.J. No. 94	<a href="#">Chase v. Chase</a>	2000	QB	Jones		Ness, R.G.	Bains, Sarbjit		8(f)	50	Mazurenko v. Mazurenko (1989) 23 R.F.L. 3rd 265		Judge refuses to consider increase in assets after separation as a factor for unequal distribution and states appropriate approach is to value as of date of trial then subtract post-separation amount. Refuses to do so based on facts of case.
conduct	during marriage	Coates v. Coates, 2003 ABQB 709	<a href="#">Coates v. Coates</a>	2003	QB	Foster		Agar, Russell	Bothwell, Bruce			10			husband found to have been abusive. S. 37 agreement given no weight or consideration due to coercion and duress
Relationship b/w MPA and other acts, orders	BIA	Cochard (Bankrupt) (Re), 2005 ABQB 679	<a href="#">Cochard (Bankrupt) (Re)</a>	2005	QB	Veit		Pollock, Leonard	Tarulli, Franco			124	Brokerwood Products; Re Graham Mining; Re Beynon		Wife attempts to block settlement agreement reached between husband and Trustee in Bankruptcy, stating that amount does not disclose husband's true assets. Refused.
Assets, excluded	vehicles	Compton v. Compton, 2004 ABQB 354	<a href="#">Compton v. Compton</a>	2004	QB	Bensler		Pollock, Leonard	Hamilton, Barry			26			judge considers division of 2 vehicles to be "a wash."

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Debts, excluded	credit card	Compton v. Compton, 2004 ABQB 354	<a href="#">Compton v. Compton</a>	2004	QB	Bensler		Pollock, Leonard	Hamilton, Barry			25			judge excludes credit card debt as personal debt
Debts, excluded	legal fees	Compton v. Compton, 2004 ABQB 354	<a href="#">Compton v. Compton</a>	2004	QB	Bensler		Pollock, Leonard	Hamilton, Barry			24			
Debts, included	HELOC	Compton v. Compton, 2004 ABQB 354	<a href="#">Compton v. Compton</a>	2004	QB	Bensler		Pollock, Leonard	Hamilton, Barry			24			judge distinguishes between line of credit on house and personal debts. Includes.
Purpose of the MPA		Compton v. Compton, 2004 ABQB 354	<a href="#">Compton v. Compton</a>	2004	QB	Bensler		Pollock, Leonard	Hamilton, Barry			14	International Assoc. of Science and Technology v. Hamza (1997), 200 A.R. 342		judge states Act creates statutory presumption of equal distribution subject to s. 8 factors.
s. 8(l) dissipation of property		Compton v. Compton, 2004 ABQB 354	<a href="#">Compton v. Compton</a>	2004	QB	Bensler		Pollock, Leonard	Hamilton, Barry		8(l)	23	Cox v. Cox (1998) ABQB 987	Hennesey v. Hennesey, 2005 ABQB 883	husband argued wife had dissipated funds by spending \$12000 on Shopping Channel purchases. Wife countered with husband's 5th wheel trailer purchase. Judge rules these fall within spending habits of couple and do not constitute dissipation.

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Corporate assets	"Lifting the corporate veil"	Corbeil v. Corbeil, 2001 ABCA 220	<a href="#">Corbeil v. Corbeil</a>	2001	CA	Conrad	Sulatyky, Whittman	Butlin, J.A.	Lenz, E.L.	affmg. unpublished 1999 QB decision		23			Wife argues Trial Judge erred in conflating earning with value of business. CA states judge used common sense in absence of expert witnesses. Does not alter ruling.
judicial discretion		Corbeil v. Corbeil, 2001 ABCA 220	<a href="#">Corbeil v. Corbeil</a>	2001	CA	Conrad	Sulatyky, Whittman	Butlin, J.A.	Lenz, E.L.	affmg. unpublished 1999 QB decision		87			CA finds Trial judge may have erred in mat. prop. division, but error was within discretion of the judge.
Method of valuation	RRSPs	Corbeil v. Corbeil, 2001 ABCA 220	<a href="#">Corbeil v. Corbeil</a>	2001	CA	Conrad	Sulatyky, Whittman	Butlin, J.A.	Lenz, E.L.	affmg. unpublished 1999 QB decision		26			Judge opts to value RRSPs without discount for after-tax value. CA does not disturb.
Relationship b/w MPA and other acts, orders	spousal support order	Corbeil v. Corbeil, 2001 ABCA 220	<a href="#">Corbeil v. Corbeil</a>	2001	CA	Conrad	Sulatyky, Whittman	Butlin, J.A.	Lenz, E.L.	affmg. unpublished 1999 QB decision		60	Boston v. Boston, [2001] S.C.J. No. 45	Thompson v. Thompson, 2007 ABQB 715	CA states that an order for retroactive spousal support must be taken into account in property division. States that conduct re support order may be a factor at para. 66.

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Property interest	bankruptcy	Coulthard (Bankrupt) (Re), 2003 ABQB 976	<a href="#">Coulthard (Bankrupt) (Re)</a>	2003	QB	Laycock		n/a	Smith, Michael	See also Coulthard v. Coulthard, 2002 ABQB 695		27	Maroukis v. Maroukis 1984 CanLII 76 (S.C.C.); Nelson v. Nelson 2001 21 R.F.L. (5th) 362; Miller v. Miller 2000 ABQB 24	Cunningham (Re), 2009 ABQB 758	judge states that a mat. Prop. Order does not automatically confer a property interest but merely a debtor/creditor relationship. Must be clearly stated in order.
Relationship b/w MPA and other acts, orders	BIA	Coulthard (Bankrupt) (Re), 2003 ABQB 976	<a href="#">Coulthard (Bankrupt) (Re)</a>	2003	QB	Laycock		n/a	Smith, Michael	See also Coulthard v. Coulthard, 2002 ABQB 695		30	Maroukis v. Maroukis 1984 CanLII 76 (S.C.C.); Nelson v. Nelson 2001 21 R.F.L. (5th) 362; Miller v. Miller 2000 ABQB 24		judgment re mat. Prop. Distribution does not automatically confer interest in property or make ex-spouse a secured creditor. Must clearly be in order. Not necessary for spouse holding land to grant security.

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s. 9 distribution		Coulthard (Bankrupt) (Re), 2003 ABQB 976	<a href="#">Coulthard (Bankrupt) (Re)</a>	2003	QB	Laycock		n/a	Smith, Michael	See also Coulthard v. Coulthard, 2002 ABQB 695	9	29,30	Maroukis v. Maroukis 1984 CanLII 76 (S.C.C.); Nelson v. Nelson 2001 21 R.F.L. (5th) 362; Miller v. Miller 2000 ABQB 24		words in an order under s. 9 must be used to confer status of secured creditor.
Date of valuation	multiple dates used	Coulthard v. Coulthard, 2002 ABQB 695	<a href="#">Coulthard v. Coulthard</a>	2002	QB	Rowbotham		Elander, Roy W.	Jacobson, Karen D.	see also Coulthard (Bankrupt) (Re), 2003 ABQB 976		16			Judge agrees to value real property as of date of trial, remaining assets and liabilities as of date of separation.
Debts, excluded	loans from family	Coulthard v. Coulthard, 2002 ABQB 695	<a href="#">Coulthard v. Coulthard</a>	2002	QB	Rowbotham		Elander, Roy W.	Jacobson, Karen D.	see also Coulthard (Bankrupt) (Re), 2003 ABQB 976		56			old loans from parents determined to be gifts. Not enforceable.
s. 7(2) exempt property scope of	evidence	Coulthard v. Coulthard, 2002 ABQB 695	<a href="#">Coulthard v. Coulthard</a>	2002	QB	Rowbotham		Elander, Roy W.	Jacobson, Karen D.	see also Coulthard (Bankrupt) (Re), 2003 ABQB 976	7(3)	17-20	Roenisch v. Roenisch (1991), 115 A.R. 255		7(2) exemption claimed for trailer and gift of property from parents. Husband failed to present evidence to substantiate claims. Both denied.

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Discontinuance of MPA action		Coyle v. Coyle (Estate of), 2005 ABQB 436	<a href="#">Coyle v. Coyle (Estate of)</a>	2005	QB	Greckol		Tapp, Daniel	Bains, Sarbjit			32	Edward v. Edward Estate 1987 CanLII 982	Robinson v. Fiesta Hotel Group Resorts, 2008 ABQB 457; Stevens v. Winchester Land & Property Ltd., 2009 ABQB 24; Karaha Bodas Company, L.L.C. v. Perusahaan Pertambangan Minyak Dan Gas Bumi Negara, 2010 ABQB 172	judge rules MPA is discretionary, not mandatory and that one party may discontinue action without consent of court or opposing party.
Property interest	joint tenancy	Coyle v. Coyle (Estate of), 2005 ABQB 436	<a href="#">Coyle v. Coyle (Estate of)</a>	2005	QB	Greckol		Tapp, Daniel	Bains, Sarbjit			40	Dunn Estate v. Dunn (1994), 148 A.R. 131; May 2000 Final Report No 83, Division of Matrimonial Property on Death		In the alternate, judge attempts to reconcile Dunn Estate and ALRI report by stating that wife took right to survivorship but it was still considered matrimonial property for purposes of distribution.

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Purpose of the MPA		Crosby v. Crosby, 2007 ABQB 31	<a href="#">Crosby v. Crosby</a>	2007	QB	Veit		self	Rand, Richard			3, 26			judge states that wife met burden of proving husband 'renounced economic and social partnership presupposed by the Act" <i>Gives all known property to wife.</i>
s. 8(a) contribution to marriage and family		Crosby v. Crosby, 2007 ABQB 31	<a href="#">Crosby v. Crosby</a>	2007	QB	Veit		self	Rand, Richard		8(a)	16			wife contributed everything to family while employed.
s. 8(b) contribution to business		Crosby v. Crosby, 2007 ABQB 31	<a href="#">Crosby v. Crosby</a>	2007	QB	Veit		self	Rand, Richard		8(a)	34			husband did not contribute financially to family, only to business.
s. 8(c) contribution to property		Crosby v. Crosby, 2007 ABQB 31	<a href="#">Crosby v. Crosby</a>	2007	QB	Veit		self	Rand, Richard		8(c)	35			husband did not care for property
s. 8(d) income, earning capacity, liabilities, obligations, other resources		Crosby v. Crosby, 2007 ABQB 31	<a href="#">Crosby v. Crosby</a>	2007	QB	Veit		self	Rand, Richard		8(d)	36			husband chose not to work
s. 8(f) property acquired while separate and apart		Crosby v. Crosby, 2007 ABQB 31	<a href="#">Crosby v. Crosby</a>	2007	QB	Veit		self	Rand, Richard		8(f)	37			large increase in value of home after separation
s. 8(g) oral or written agreements		Crosby v. Crosby, 2007 ABQB 31	<a href="#">Crosby v. Crosby</a>	2007	QB	Veit		self	Rand, Richard		8(g)	29			informal agreement between spouses to keep property separate honoured by the court



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s. 8(m) other	future debt	Crosby v. Crosby, 2007 ABQB 31	<a href="#">Crosby v. Crosby</a>	2007	QB	Veit		self	Rand, Richard		8(m)	38			wife will be responsible for children's university education
s. 8(m) other	help from parents	Crosby v. Crosby, 2007 ABQB 31	<a href="#">Crosby v. Crosby</a>	2007	QB	Veit		self	Rand, Richard		8(m)	38			parents helped wife accumulate assets
Strength of s. 7(4) presumption		Crosby v. Crosby, 2007 ABQB 31	<a href="#">Crosby v. Crosby</a>	2007	QB	Veit		self	Rand, Richard		7(4)	3, 26, 27	Jensen v. Jensen, 2009 ABCA 272		judge states that wife met burden of proving husband 'renounced economic and social partnership presupposed by the Act"
Property interest	bankruptcy	Cunningham (Re), 2009 ABQB 758	<a href="#">Cunningham (Re)</a>	2009	QB	Shelley		self	Sulyma, Robert	see also Cunningham v. Cunningham, 2009 ABQB 40		17	Millar v. Millar, [1991] A.J. No. 995; Coulthard (Bankrupt) (Re), 2003 ABQB 976		Wife did not receive property interest because no in specie distribution had occurred.
Relationship b/w MPA and other acts, orders	BIA	Cunningham (Re), 2009 ABQB 758	<a href="#">Cunningham (Re)</a>	2009	QB	Shelley		self	Sulyma, Robert	see also Cunningham v. Cunningham, 2009 ABQB 40		31	Tinant v. Tinant, 2003 ABCA 211		Judge lifts stay on husband's property to permit her to pursue mat. prop. claim.
s. 9 distribution		Cunningham (Re), 2009 ABQB 758	<a href="#">Cunningham (Re)</a>	2009	QB	Shelley		self	Sulyma, Robert	see also Cunningham v. Cunningham, 2009 ABQB 40	9	9	Boe v. Boe, (1988) 67 C.B.R. (N.S.) 224		Judge states that after property division effected, court is functus and cannot alter distribution.
Conduct and the MPA		Cunningham v. Cunningham, 2009 ABQB 40	<a href="#">Cunningham v. Cunningham</a>	2009	QB	Shelley		Lawson, S.	Bruyer, L.H.	see also Cunningham (Re), 2009 ABQB 758		37			husband's failure to disclose and evidence of hiding assets results in an unequal division of assets

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Costs		Cunningham v. Cunningham, 2009 ABQB 40	<a href="#">Cunningham v. Cunningham</a>	2009	QB	Shelley		Lawson, S.	Bruyer, L.H.	see also Cunningham (Re), 2009 ABQB 758		42			judge mentions that wife seeks higher costs based on extra work demanded from husband's failure to disclose. Judge leaves open this possibility but does not rule.
s. 36(1) presumption of advancement	property	Cunningham v. Cunningham, 2009 ABQB 40	<a href="#">Cunningham v. Cunningham</a>	2009	QB	Shelley		Lawson, S.	Bruyer, L.H.	see also Cunningham (Re), 2009 ABQB 758	36(2)(a)	18			presumption rebutted by inter-spousal agreements.
s. 37 contracting out	interspousal agreement	Cunningham v. Cunningham, 2009 ABQB 40	<a href="#">Cunningham v. Cunningham</a>	2009	QB	Shelley		Lawson, S.	Bruyer, L.H.	see also Cunningham (Re), 2009 ABQB 758	37	19	Hartshorne v. Hartshorne, [2004] SCJ No. 20		s. 36(2) presumption rebutted by contract. Parties received independent legal advice.
s. 7(2) exempt property scope of	lump sum pension benefit	Cunningham v. Cunningham, 2009 ABQB 40	<a href="#">Cunningham v. Cunningham</a>	2009	QB	Shelley		Lawson, S.	Bruyer, L.H.	see also Cunningham (Re), 2009 ABQB 758	7(2)	22			wife not given exemption for lump sum pension benefit. Defined as income by the judge. In addition: "Ms. Miller almost certainly would have deposited them to the joint savings account and used them to fund extraordinary purchases as this is what she did with all other income received by her during the marriage. "
Strength of s. 7(4) presumption		Cunningham v. Cunningham, 2009 ABQB 40	<a href="#">Cunningham v. Cunningham</a>	2009	QB	Shelley		Lawson, S.	Bruyer, L.H.	see also Cunningham (Re), 2009 ABQB 758	7(4)	37			s. 8(m) results in unequal distribution of assets.

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s. 8(m) other	disclosure	Cunningham v. Cunningham, 2009 ABQB 40	<a href="#">Cunningham v. Cunningham</a>	2009	QB	Shelley		Lawson, S.	Bruyer, L.H.	see also Cunningham (Re), 2009 ABQB 758	8(m)	34			Husband's behavior and failure to disclose draws a negative inference re assets.
Property interest	bankruptcy	Currie v. Currie (Trustee of), 2000 ABQB 71	<a href="#">Currie v. Currie (Trustee of)</a>	2000	QB	Bielby		Mandziuk, S. N.	Martin, E. L.	see also Currie (Bankrupt) (Re), 1999 ABQB 880		43	Institute of Law Research and Reform. Report No. 18: Matrimonial Property, 1975		Spouse does not automatically receive an interest in all property upon marriage. Therefore, Trustee may take interest in bankruptcy even if that interest is later given to husband under MPA.
Relationship b/w MPA and other acts, orders	BIA	Currie v. Currie (Trustee of), 2000 ABQB 71	<a href="#">Currie v. Currie (Trustee of)</a>	2000	QB	Bielby		Mandziuk, S. N.	Martin, E. L.	see also Currie (Bankrupt) (Re), 1999 ABQB 880		37-44	Institute of Law Research and Reform. Report No. 18: Matrimonial Property, 1975		
Analytical framework		D.(C.N.) v. D.(B.D.) [2004] A.J. No. 1638	<a href="#">D.(C.N.) v. D.(B.D.)</a>	2004	QB	Read		self	self			37			judge uses MPA to evenly divide disputed chattel property using the analytical framework.
Assets, included	chattel	D.(C.N.) v. D.(B.D.) [2004] A.J. No. 1638	<a href="#">D.(C.N.) v. D.(B.D.)</a>	2004	QB	Read		self	self			37			judge uses MPA to evenly divide disputed chattel property using the analytical framework.

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Costs	conduct	D.(C.N.) v. D.(B.D.) [2004] A.J. No. 1638	<a href="#">D.(C.N.) v. D.(B.D.)</a>	2004	QB	Read		self	self			38			although wife unrepresented, judge states that husband's bad conduct warrants her receiving costs and permits her to make such application.
Date of valuation	other	Daum v. Daum, 2005 ABQB 135	<a href="#">Daum v. Daum</a>	2005	QB	Park		Schuster, Edmond	Hoffman, Jane			47-52			Judge interprets s. 37 agreement date of division as date agreement reached. Runs through s. 8 analysis as an alternative to his finding and reaches same result.
Relationship b/w MPA and other acts, orders	spousal support order	Daum v. Daum, 2005 ABQB 135	<a href="#">Daum v. Daum</a>	2005	QB	Park		Schuster, Edmond	Hoffman, Jane			59	Hartshorne v. Hartshorne 236 D.L.R. (4th) 2004 193		Judge notes proper order for property order and spousal support is property first, spousal support second, then review of s. 8 to see if they impact spousal support.
Analytical framework		Daved v. Daved, 2010 ABQB 447	<a href="#">Daved v. Daved</a>	2010	QB	Greckol		Cochard, Renee	Biasini, Gary			145	Jensen v. Jensen, 2009 ABCA 272		judge reviews Jensen as current statement on MPA.
Assets, exempt	property from previous marriage	Daved v. Daved, 2010 ABQB 447	<a href="#">Daved v. Daved</a>	2010	QB	Greckol		Cochard, Renee	Biasini, Gary			76			judge rules property wife received from previous marriage never brought into matrimonial regime.
conduct	at trial	Daved v. Daved, 2010 ABQB 447	<a href="#">Daved v. Daved</a>	2010	QB	Greckol		Cochard, Renee	Biasini, Gary			4			judge notes poor conduct of husband at outset of opinion.
Debts, excluded	loans from family	Daved v. Daved, 2010 ABQB 447	<a href="#">Daved v. Daved</a>	2010	QB	Greckol		Cochard, Renee	Biasini, Gary			142			judge states loans from siblings not substantiated and does not include

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Debts, excluded	student loan	Daved v. Daved, 2010 ABQB 447	<a href="#">Daved v. Daved</a>	2010	QB	Greckol		Cochard, Renee	Biasini, Gary			143			judge agrees with counsel that to include student loans in mat. debt would be to double count them since they are considered in spousal support payments
s. 7(3) property	corporation	Daved v. Daved, 2010 ABQB 447	<a href="#">Daved v. Daved</a>	2010	QB	Greckol		Cochard, Renee	Biasini, Gary		7(3)	176			judge divides increase in value 60/40 based on contributions of wife to success of corporation.
s. 8(a) contribution to marriage and family		Daved v. Daved, 2010 ABQB 447	<a href="#">Daved v. Daved</a>	2010	QB	Greckol		Cochard, Renee	Biasini, Gary		8(a)	156			judge states both worked hard in marriage
s. 8(b) contribution to business		Daved v. Daved, 2010 ABQB 447	<a href="#">Daved v. Daved</a>	2010	QB	Greckol		Cochard, Renee	Biasini, Gary		8(a)	157			judge states both parties worked to success of enterprise
s. 8(d) income, earning capacity, liabilities, obligations, other resources		Daved v. Daved, 2010 ABQB 447	<a href="#">Daved v. Daved</a>	2010	QB	Greckol		Cochard, Renee	Biasini, Gary		8(d)	158-59			judge notes occupations of each
s. 8(e) duration of marriage	short	Daved v. Daved, 2010 ABQB 447	<a href="#">Daved v. Daved</a>	2010	QB	Greckol		Cochard, Renee	Biasini, Gary		8(e)	160			judge rules marriage (6 yrs.) was not long but "both worked hard while it lasted."
s. 8(f) property acquired while separate and apart		Daved v. Daved, 2010 ABQB 447	<a href="#">Daved v. Daved</a>	2010	QB	Greckol		Cochard, Renee	Biasini, Gary		8(f)	161			notes that one property acquired shortly before separation

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s. 8(g) oral or written agreements		Daved v. Daved, 2010 ABQB 447	<a href="#">Daved v. Daved</a>	2010	QB	Greckol		Cochard, Renee	Biasini, Gary		8(g)	163			husband had argued for validity of a prenuptial agreement. Judge states this had been ruled on separately.
s. 8(k) potential tax liability		Daved v. Daved, 2010 ABQB 447	<a href="#">Daved v. Daved</a>	2010	QB	Greckol		Cochard, Renee	Biasini, Gary		8(k)	166	Mitrovic v. Mitrovic, 2007 ABQB 44		judge notes Mitrovic but discounts 20% for liability of cashing funds to pay wife.
s. 8(l) dissipation of property		Daved v. Daved, 2010 ABQB 447	<a href="#">Daved v. Daved</a>	2010	QB	Greckol		Cochard, Renee	Biasini, Gary		8(l)	168			Wife argues that husband's conduct in litigation amounted to dissipation. Corp. money used for litigation. Judge states this has been accounted for by valuator of company.
Strength of s. 7(4) presumption		Daved v. Daved, 2010 ABQB 447	<a href="#">Daved v. Daved</a>	2010	QB	Greckol		Cochard, Renee	Biasini, Gary		7(4)	176			judge grants nearly equal split of corporate assets and fully equal split of subsistence assets.
Relationship b/w MPA and other acts, orders	Business Corporations Act	Derochie v. Park-Derochie, 2003 ABQB 345	<a href="#">Derochie v. Park-Derochie</a>	2003	QB	Mahoney		Calvert, Robert	Haigh, David; Donaldson, Michael			27			judge states that it is better not to mix up relief sought by adding relief under BCA
Debts, included	matrimonial debt	Dhala v. Dhala, 2008 ABCA 259	<a href="#">Dhala v. Dhala</a>	2008	CA	Watson		Ticoll, E.S.	Lister, P.G.	affmg. 2006 ABQB 334		18-19	Stein v. Stein, 2008 SCC 35; Carmichael v. Carmichael, 2007 ABCA 3		argument made that matrimonial debt should not be included in division of matrimonial property based on MPA. Refused by court.

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Property interest	bankruptcy	Dhala v. Dhala, 2008 ABCA 259	<a href="#">Dhala v. Dhala</a>	2008	CA	Watson		Ticoll, E.S.	Lister, P.G.	affmg. 2006 ABQB 334		20	Tinant v. Tinant, 2003 ABCA 211		Court states bankrupt's matrimonial property rights assign in Trustee-in-bankruptcy on bankruptcy
s. 8(k) potential tax liability	overpayment	Dhala v. Dhala, 2008 ABCA 259	<a href="#">Dhala v. Dhala</a>	2008	CA	Watson		Ticoll, E.S.	Lister, P.G.	affmg. 2006 ABQB 334	8(k)	17	Stein v. Stein, 2008 SCC 35		Wife argues that she should not have to repay full amount since she paid taxes on it. Refused. Judge states TJ has this discretion.
s. 9 distribution	interim distribution	Dhala v. Dhala, 2008 ABCA 259	<a href="#">Dhala v. Dhala</a>	2008	CA	Watson		Ticoll, E.S.	Lister, P.G.	affmg. 2006 ABQB 334	9	21	Lapp v. Lapp, 2008 ABCA 15 B.(P.D.) v.W.(M.R.), 2009 ABQB 532		An interim order is intended to provide temporary relief pending a final determination.
Relationship b/w MPA and other acts, orders	DRA	Diebert v. Calder, 2001 ABQB 187	<a href="#">Diebert v. Calder</a>	2001	QB	Watson		Mandziuk, S. N.	Gordon, Marie			106	Pettkus v. Becker 2 S.C.R. 834		judge considers effect of expanded definition of marriage under the DRA but states that it does not result in expanding the MPA to CL relationships. Notes Dickson's statement in Pettkus re division of assets.
Unjust enrichment		Diebert v. Calder, 2001 ABQB 187	<a href="#">Diebert v. Calder</a>	2001	QB	Watson		Mandziuk, S. N.	Gordon, Marie			125	Pettkus v. Becker 2 S.C.R. 834; Sorochan v. Sorochan 2 S.C.R. 38	Fayant v. Yaroski, 2001 SKQB 387	Judge finds a constructive trust for Plaintiff female.

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s. 38 formalities		Diegel v. Diegel, 2008 ABCA 389	<a href="#">Diegel v. Diegel</a>	2008	CA	Coté, Watson, Phillips		Balbi, L.L.	Calvert, Robert	rev'g. 2008 QB Docket #4801-126554	38	34		B.(P.D.) v. B.(J.A.), 2010 ABQB 286	Court declines to decide if all formalities must be observed in a divorce where only part of property is disposed via s. 37, notes that Ontario's approach is different than Alberta's.
Strength of s. 7(4) presumption		Dimitrov v. Dimitrova 2007 CarswellAlta 2351	<a href="#">Dimitrov v. Dimitrova</a>	2007	QB	Horner		Forsyth-Nicholson, R.	Shanks, N.	rev'd. in part 2008 ABCA 422	7(4)	30			Placing property in wife's own name fails to overcome presumption of equal division. Taxed to both parties.
Assets, included	foreign property	Dimitrov v. Dimitrova 2008 ABCA 422	<a href="#">Dimitrov v. Dimitrova</a>	2008	CA	Ritter, Martin, Berger		Forsyth-Nicholson, R.	self	rev'g. in part 2007 CarswellAlta 2351		8			Wife claims court has no jurisdiction over properties in Bulgaria. Court states that wife attorned to jurisdiction of the court. Therefore, the court has the authority to rule.
Division of assets	by percentage	Dimitrov v. Dimitrova 2008 ABCA 422	<a href="#">Dimitrov v. Dimitrova</a>	2008	CA	Ritter, Martin, Berger		Forsyth-Nicholson, R.	self	rev'g. in part 2007 CarswellAlta 2351		13			Husband's contribution of \$5000 to construction of apartment worth \$18,000 upon completion grants him a 5/18 share in initial value of apt.
jurisdiction		Dimitrov v. Dimitrova 2008 ABCA 422	<a href="#">Dimitrov v. Dimitrova</a>	2008	CA	Ritter, Martin, Berger		Forsyth-Nicholson, R.	self	rev'g. in part 2007 CarswellAlta 2351		8			Wife claims court has no jurisdiction over properties in Bulgaria. Court states that wife attorned to jurisdiction of the court. Therefore, the court has the authority to rule.



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Constructive or resulting trusts		Dinapoli v. Yeung, 2002 ABQB 714	<a href="#">Dinapoli v. Yeung</a>	2002	QB	Park		Davison, John E.	Gorman, Howard A.			41	Roberts Estate (RE), 41 C.B.R. (3rd Series) 185		judge states that husband could be found at trial to have a constructive or resulting trust.
Equity - fit with MPA		Dinapoli v. Yeung, 2002 ABQB 714	<a href="#">Dinapoli v. Yeung</a>	2002	QB	Park		Davison, John E.	Gorman, Howard A.			31			judge states that at trial husband may be found to have an equitable interest in property.
Property interest	MPA	Dinapoli v. Yeung, 2002 ABQB 714	<a href="#">Dinapoli v. Yeung</a>	2002	QB	Park		Davison, John E.	Gorman, Howard A.			26	Deloitte Haskins & Sells Limited v. Graham & Graham 1983 CanLII 1044 (AB Q.B.)		Judge states that MPA does not create a right to matrimonial property, only a discretion to the Court to distribute.

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Relationship b/w MPA and other acts, orders	BIA	Dinapoli v. Yeung, 2002 ABQB 714	<a href="#">Dinapoli v. Yeung</a>	2002	QB	Park		Davison, John E.	Gorman, Howard A.				Walton v. Walton (1994), 23 C.B.R. (3d) 315; Janco v. Vereecken (1983), 44 C.B.R.(N.S.) 211; International Corono Resources Ltd. v. LAC Minerals Ltd., 1989 CanLII 34 (S.C.C.); Wilson v. Wilson (2001), 21 C.B.R.		Question is whether discharge from bankruptcy discharged claim under MPA. Also, alternate argument of fiduciary capacity
Relationship b/w MPA and other acts, orders	Fraudulent Preferences Act	Dinapoli v. Yeung, 2002 ABQB 714	<a href="#">Dinapoli v. Yeung</a>	2002	QB	Park		Davison, John E.	Gorman, Howard A.			30			judge states that at trial husband may be found to have an equitable interest in property.

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s. 16 Actions continued by estate		Dressler v. Dressler, 2005 ABQB 93	<a href="#">Dressler v. Dressler</a>	2005	QB	Germain		Curtis, Robert; Kallal, Craig	Kobewka, Sid		16	32	Boychuk v. Boychuk Estate, reflex, (1993) 115 Sask. R. 10; Donkin v. Bugoy, 1985 CanLII 45 (S.C.C.)		Husband argued that failure to pursue action over 3 yrs. disentitled estate to continue action after wife's death. Judge ruled that's. 16 allowed the estate to continue the action, then considered applicability of R244 RoC.
Assets, included	pension	Dul v. Dul, 2001 ABQB 257	<a href="#">Dul v. Dul</a>	2001	QB	Sanderman		Patterson, David	Socketk, Kenneth R.			37			judge values pension as of date of separation for purposes of division.
Date of valuation	date of cohabitation	Dul v. Dul, 2001 ABQB 257	<a href="#">Dul v. Dul</a>	2001	QB	Sanderman		Patterson, David	Socketk, Kenneth R.			19			judge considers starting date for valuation at both date of cohabitation and date of marriage. Chooses date of cohabitation.
Debts, included	general debt	Dul v. Dul, 2001 ABQB 257	<a href="#">Dul v. Dul</a>	2001	QB	Sanderman		Patterson, David	Socketk, Kenneth R.			21			wife given credit for helping retire husband's debt while cohabitating.
Date of valuation	date of trial	Ellis v. Ellis, 2005 ABQB 697	<a href="#">Ellis v. Ellis</a>	2005	QB	Clarke		Snyder, Tim	Tumbach, Dale E.			13	Hodgson v. Hodgson, 2005 ABCA 13		
Debts, included	post separation debt	Ellis v. Ellis, 2005 ABQB 697	<a href="#">Ellis v. Ellis</a>	2005	QB	Clarke		Snyder, Tim	Tumbach, Dale E.			15			judge states no evidence presented that would argue against their inclusion. Debts considered to be matrimonial.

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Assets, included	pension	F.(C.J.) v. F.(D.M.), 2009 ABQB 142	<a href="#">F.(C.J.) v. F.(D.M.)</a>	2009	QB	Ross		self	Doyle, Andrea			41			judge notes this is a post-separation asset but refuses to order an unequal division. States that wife was complicit in long period between separation and trial.
Costs	conduct	F.(C.J.) v. F.(D.M.), 2009 ABQB 142	<a href="#">F.(C.J.) v. F.(D.M.)</a>	2009	QB	Ross		self	Doyle, Andrea			48			Despite mixed success of parties, wife given costs. Judge states that husband's delusional beliefs lengthened trial.
Date of valuation	date of trial	F.(C.J.) v. F.(D.M.), 2009 ABQB 142	<a href="#">F.(C.J.) v. F.(D.M.)</a>	2009	QB	Ross		self	Doyle, Andrea			41			judge states that the MPA requires that the date of trial be the date of valuation.
Division of assets		Felker v. Felker, 2005 ABQB 365	<a href="#">Felker v. Felker</a>	2005	QB	Hillier		McGovern, M.G.	Davison, J.E.			49	World Wide Oil and Gas Inc. v. Church of Christ Dev. Co., [1989] A.J. No. 31, 95 A.R.		net assets declined during marriage. Exempted value of assets exceeds current value. Judge states he cannot submit a final property order pursuant to R159(2)
s. 7(2) definition of gift		Felker v. Felker, 2005 ABQB 365	<a href="#">Felker v. Felker</a>	2005	QB	Hillier		McGovern, M.G.	Davison, J.E.		7(2)	42			asset never put in wife's name and was paid for after separation. Ruled not a gift.
s. 7(2) exempt property scope of	cattle	Felker v. Felker, 2005 ABQB 365	<a href="#">Felker v. Felker</a>	2005	QB	Hillier		McGovern, M.G.	Davison, J.E.		7(2)	33	Purich v. Purich 1998 ABQB 700		sale of cattle and purchase of new cattle does not remove exempt character of the cattle.

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s. 7(3)(a) tracing	cattle	Felker v. Felker, 2005 ABQB 365	<a href="#">Felker v. Felker</a>	2005	QB	Hillier		McGovern, M.G.	Davison, J.E.		7(3)(a)	36	M.(D.G.) v. M.(K.M.) 2002 ABQB 225		assets from sale of cattle never put into joint property
Purpose of the MPA		Fercho v. Dos Santos, 2006 ABQB 879	<a href="#">Fercho v. Dos Santos</a>	2006	QB	Erb		Armstrong, Rob W.	Gillis, Wayne			55			settlement agreement set aside after failure to disclose overseas assets. Husband said not to have complied with the overall objective of the Act.
s. 31 disclosure of property		Fercho v. Dos Santos, 2006 ABQB 879	<a href="#">Fercho v. Dos Santos</a>	2006	QB	Erb		Armstrong, Rob W.	Gillis, Wayne		31	37, 40		Brown v. Silvera, 2009 ABQB 523;	Judge states full disclosure is a fundamental part of family law and sets aside agreement between the parties. "The legislative requirement to disclose assets and liabilities is not intended to be a scavenger hunt."
Distribution of assets	in specie	Fisher v. Fisher, 2008 ABQB 170	<a href="#">Fisher v. Fisher</a>	2008	QB	McDonald		Forsyth-Nicholson, R.	Ouellette, Christian	2009 ABCA 294 (rev'g. costs award)		48			Both parties drawing on their pensions. Pensions constructed differently. Judge distributes pensions in specie. States he had regard for s. 8 in making ruling.
s. 10 return of gift or property		Fisher v. Fisher, 2008 ABQB 170	<a href="#">Fisher v. Fisher</a>	2008	QB	McDonald		Forsyth-Nicholson, R.	Ouellette, Christian	2009 ABCA 294 (rev'g. costs award)	10	80, 90	Bank of Montreal v. Ostapowich (Trustee of) 1996 CanLII 5026		wife argues s. 10 re property owned by former wife in a collateral attack. Judge refuses, stating she was aware of the other proceeding. Also reasons in the alternative that a s. 10 action would fail. Reasons in the alternative a second time that as 7(2) property, s. 8 factors would allow an unequal division of property.

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s. 8(g) oral or written agreements	personal property	Fisher v. Fisher, 2008 ABQB 170	<a href="#">Fisher v. Fisher</a>	2008	QB	McDonald		Forsyth-Nicholson, R.	Ouellette, Christian	2009 ABCA 294 (rev'g. costs award)	8(g)	33			informal agreement between parties re condos that did not comply w. s. 38 upheld in property division.
Standing	3rd party	Fisher v. Fisher, 2008 ABQB 170	<a href="#">Fisher v. Fisher</a>	2008	QB	McDonald		Forsyth-Nicholson, R.	Ouellette, Christian	2009 ABCA 294 (rev'g. costs award)		55	Wensel v. Wensel (1976), 65 D.L.R. (3d) 327 affirm 72 D.L.R. (3d) 1		former wife included in MPA action. Former mat. home still titled to husband in current action and former wife. Collateral attack as counsel was not a party to the original decision and is not able to appeal it.
Assets, included	pension	Friesen v. Friesen, 2005 ABQB 211	<a href="#">Friesen v. Friesen</a>	2005	QB	Park		Colborne, Daniel	Bodeux-Tang, Margaret			20			judgerecognizes pension is 7(4) property but gives wife 35% of value of pension as of date of trial. Does not use McAllister formula.
s. 8(a) contribution to marriage and family		Friesen v. Friesen, 2005 ABQB 211	<a href="#">Friesen v. Friesen</a>	2005	QB	Park		Colborne, Daniel	Bodeux-Tang, Margaret		8(a)	19			husband noted as continuing to support children post-separation
s. 8(c) contribution to property		Friesen v. Friesen, 2005 ABQB 211	<a href="#">Friesen v. Friesen</a>	2005	QB	Park		Colborne, Daniel	Bodeux-Tang, Margaret		8(c)	19			husband made all contributions to pension after separation
s. 8(d) income, earning capacity, liabilities, obligations, other resources		Friesen v. Friesen, 2005 ABQB 211	<a href="#">Friesen v. Friesen</a>	2005	QB	Park		Colborne, Daniel	Bodeux-Tang, Margaret		8(d)	20			noted but does not affect decision.

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s. 8(e) duration of marriage	long	Friesen v. Friesen, 2005 ABQB 211	<a href="#">Friesen v. Friesen</a>	2005	QB	Park		Colborne, Daniel	Bodeux-Tang, Margaret		8(e)	19			judge states this was a long term marriage - 16 years.
s. 8(f) property acquired while separate and apart		Friesen v. Friesen, 2005 ABQB 211	<a href="#">Friesen v. Friesen</a>	2005	QB	Park		Colborne, Daniel	Bodeux-Tang, Margaret		8(f)	19			large increase in property post separation
s. 8(m) other	conduct	Friesen v. Friesen, 2005 ABQB 211	<a href="#">Friesen v. Friesen</a>	2005	QB	Park		Colborne, Daniel	Bodeux-Tang, Margaret		8(m)	19			conduct of parties in dividing assets a factor - not explained
s. 8(m) other	independence	Friesen v. Friesen, 2005 ABQB 211	<a href="#">Friesen v. Friesen</a>	2005	QB	Park		Colborne, Daniel	Bodeux-Tang, Margaret		8(m)	19			independence of both parties a factor?
Strength of s. 7(4) presumption		Friesen v. Friesen, 2005 ABQB 211	<a href="#">Friesen v. Friesen</a>	2005	QB	Park		Colborne, Daniel	Bodeux-Tang, Margaret		7(4)	20			not strong here.
Analytical framework		G. (W.D.) v. G. (D.L) 2009 ABQB 340	<a href="#">G. (W.D.) v. G. (D.L.)</a>	2009	QB	Mahoney		Schlachter, Kurt	self			51-2 13	Hodgson v. Hodgson, 2005 ABCA		4 step framework from Hodgson used

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Assets, excluded	post-separation property	G. (W.D.) v. G. (D.L) 2009 ABQB 340	<a href="#">G. (W.D.) v. G. (D.L.)</a>	2009	QB	Mahoney		Schlachter, Kurt	self			59			stock shares acquired after separation
Assets, included	furnishings	G. (W.D.) v. G. (D.L) 2009 ABQB 340	<a href="#">G. (W.D.) v. G. (D.L.)</a>	2009	QB	Mahoney		Schlachter, Kurt	self			57			best divided in kind
Date of valuation	date of trial	G. (W.D.) v. G. (D.L) 2009 ABQB 340	<a href="#">G. (W.D.) v. G. (D.L.)</a>	2009	QB	Mahoney		Schlachter, Kurt	self			46	Hodgson v. Hodgson, 2005 ABCA 13; Mazurenko v. Mazurenko (1981), 30 A.R. 34; Kazmierczak v. Kazmierczak [2001] A.J. No. 955		date of trial used.
s. 36(1) presumption of advancement		G. (W.D.) v. G. (D.L) 2009 ABQB 340	<a href="#">G. (W.D.) v. G. (D.L.)</a>	2009	QB	Mahoney		Schlachter, Kurt	self		36(1)	48	Katay v. Katay (1995), 168 A.R. 31		



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Issue	Subissue	Case+cite	pdf	Year	Ct	Judge	Other judges	H's lawyer	W's lawyer	Other proceedings	Sec.	Para.	Cases relied upon	Cases relying upon	Notes/facts
Assets, included	stock options	G.(R.) v. G.(M.), 2007 ABQB 273	<a href="#">G.(R.) v. G.(M.)</a>	2007	QB	Romaine		Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen	Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen			54	Gardiner v. Gardiner, [1996] A.J. No. 919; Roberts v. Roberts, 1999 ABQB 944 (CanLII)		Stock options received after separation determined to be property available for distribution. Determined to be matrimonial property but divided unequally.
Corporate assets	dissipation	G.(R.) v. G.(M.), 2007 ABQB 273	<a href="#">G.(R.) v. G.(M.)</a>	2007	QB	Romaine		Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen	Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen			32			wife argues dissipation re business losses but judge finds decisions were bona fide.
Date of valuation	date of trial	G.(R.) v. G.(M.), 2007 ABQB 273	<a href="#">G.(R.) v. G.(M.)</a>	2007	QB	Romaine		Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen	Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen			14 13	Hodgson v. Hodgson 2005 ABCA		Judge states valuation date is date of trial but s. 8 may be used for fairness for certain property.
Debts, excluded	house repairs	G.(R.) v. G.(M.), 2007 ABQB 273	<a href="#">G.(R.) v. G.(M.)</a>	2007	QB	Romaine		Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen	Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen			19			judge refuses to include prospective house repair debt or to discount value for damage but appears to have been willing to accept claim with more evidence.

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Division of assets	by asset	G.(R.) v. G.(M.), 2007 ABQB 273	<a href="#">G.(R.) v. G.(M.)</a>	2007	QB	Romaine		Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen	Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen			46			wife asks for division of pension in specie. Judge refuses as it would limit divisible value of pension available for distribution.
income producing assets		G.(R.) v. G.(M.), 2007 ABQB 273	<a href="#">G.(R.) v. G.(M.)</a>	2007	QB	Romaine		Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen	Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen			42			wife ordered to transfer shares in husband's company to husband as part of settlement
Method of valuation	stock options	G.(R.) v. G.(M.), 2007 ABQB 273	<a href="#">G.(R.) v. G.(M.)</a>	2007	QB	Romaine		Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen	Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen			63			difficulty of valuation results in judge ruling that options will be held in trust for wife until time of exercise.
Relationship b/w MPA and other acts, orders	Teachers' Pension Plans (Legislative Provisions) Regulation	G.(R.) v. G.(M.), 2007 ABQB 273	<a href="#">G.(R.) v. G.(M.)</a>	2007	QB	Romaine		Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen	Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen			49			wife argues pension must be divided as it would be under the TPPR. Judge disagrees. States division must not violate TPPR.

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s. 8 factors	no priority to factors	G.(R.) v. G.(M.), 2007 ABQB 273	<a href="#">G.(R.) v. G.(M.)</a>	2007	QB	Romaine		Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen	Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen		8	14	Hodgson v. Hodgson 2005 ABCA		No priority to factors.
s. 8(f) property acquired while separate and apart	stock options	G.(R.) v. G.(M.), 2007 ABQB 273	<a href="#">G.(R.) v. G.(M.)</a>	2007	QB	Romaine		Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen	Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen		8(f)	59			Stock options determined to be matrimonial property but divided unequally
s. 8(l) dissipation of property	corporation	G.(R.) v. G.(M.), 2007 ABQB 273	<a href="#">G.(R.) v. G.(M.)</a>	2007	QB	Romaine		Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen	Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen		8(l)	32			wife argues dissipation but judge finds decisions were bona fide.
Assets, exempt	inheritance	Gardner v. Gardner, 2008 ABQB 527	<a href="#">Gardner v. Gardner</a>	2008	QB	Manderscheid		Skovberg, Douglas	Curtis, Robert	2008 ABQB 750; 2009 ABCA 54; see also Canniff v. Gardner, 2008 ABQB 685;		20	Hughes v. Hughes, 1998 ABCA 409		Wife permitted partial exemption on portion of inheritance going to mat. home but inheritance lost on remaining portion. Not traced.

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Corporate assets valuation		Gardner v. Gardner, 2008 ABQB 527	<a href="#">Gardner v. Gardner</a>	2008	QB	Manderscheid		Skovberg, Douglas	Curtis, Robert	2008 ABQB 750; 2009 ABCA 54; see also Canniff v. Gardner, 2008 ABQB 685;		12			judge assigns lower evaluation price to shares to encourage sale of shares.
Distribution of assets	method of distribution	Gardner v. Gardner, 2008 ABQB 527	<a href="#">Gardner v. Gardner</a>	2008	QB	Manderscheid		Skovberg, Douglas	Curtis, Robert	2008 ABQB 750; 2009 ABCA 54; see also Canniff v. Gardner, 2008 ABQB 685;		11	Faulkner v. Faulkner, 1998 ABCA 308; D.B.C. v. R.M.W., 2004 ABQB 954		Wife wants shares distributed at market value to avoid tax consequences, husband wants in specie distribution. Judge orders 200,000 shares distributed in specie and the rest at market value.
s. 7(2) exempt property scope of	principles	Gardner v. Gardner, 2008 ABQB 527	<a href="#">Gardner v. Gardner</a>	2008	QB	Manderscheid		Skovberg, Douglas	Curtis, Robert	2008 ABQB 750; 2009 ABCA 54; see also Canniff v. Gardner, 2008 ABQB 685;	7(2)	18	Harrower v. Harrower (1989), 97 A.R. 141; Lovich v. Lovich, 2006 ABQB 736		judge reviews principles of exemption.
s. 8(f) property acquired while separate and apart		Gardner v. Gardner, 2008 ABQB 527	<a href="#">Gardner v. Gardner</a>	2008	QB	Manderscheid		Skovberg, Douglas	Curtis, Robert	2008 ABQB 750; 2009 ABCA 54; see also Canniff v. Gardner, 2008 ABQB 685;	8(f)	4	Thompson vs. Thompson, 2006 ABQB 796		judge states neither party has an interest in other's property acquired post separation.
s. 8(k) potential tax liability		Gardner v. Gardner, 2008 ABQB 527	<a href="#">Gardner v. Gardner</a>	2008	QB	Manderscheid		Skovberg, Douglas	Curtis, Robert	2008 ABQB 750; 2009 ABCA 54; see also Canniff v. Gardner, 2008 ABQB 685;	8(k)	14			judge reduces tax on shares that had been sold to reflect the tax rate that would have been assessed had property been divided foist.

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Costs		Gardner v. Gardner, 2008 ABQB 750	<a href="#">Gardner v. Gardner</a>	2008	QB	Manderscheid		Skovberg, Douglas	Curtis, Robert	2008 ABQB 527; 2009 ABCA 54; see also Canniff v. Gardner, 2008 ABQB 685;		47 44	Broda v. Broda, 2003 ABQB 257; Mitrovic v. Mitrovic, 2007 ABQB		Judge awards wife costs based on standard from Broda that she was "substantially successful" in her action.
Relationship b/w MPA and other acts, orders	BIA	Gibson (Bankrupt) (Re), 2005 ABQB 16	<a href="#">Gibson (Bankrupt) (Re)</a>	2005	QB	Wilson		n/a	Belzil, Françoise			24	Laventure (Re) [1985], A.J. No 16; Bondar (Re); Davis v. Bondar, Bondar and Revenue Canada, Taxation, 61 C.B.R. 128		prior judgment under MPA trumps application by Trustee in Bankruptcy to return title to name of bankrupt.
Occupation Rent		Gilbert v. Gilbert, 2006 ABQB 929	<a href="#">Gilbert v. Gilbert</a>	2006	QB	Coutu		Makins, C.T.	Prystai, Karen			36			Claimed. Rejected.
Relationship b/w MPA and other acts, orders	spousal support order	Gilbert v. Gilbert, 2006 ABQB 929	<a href="#">Gilbert v. Gilbert</a>	2006	QB	Coutu		Makins, C.T.	Prystai, Karen			32			judge states wife can keep equalization payment to husband to set off arrears.

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Strength of s. 7(4) presumption		Gillespie v. Connelly, 2005 ABQB 172	<a href="#">Gillespie v. Connelly</a>	2005	QB	Rowbotham		self	Saranchuk, J.		7(4)	12			judge awards all matrimonial property (about \$11,500) to wife noting that husband has refused to pay debts despite orders from the court to do so.
Cohabitation and the MPA		Gingras v. Werklund, 2000 ABQB 14	<a href="#">Gingras v. Werklund</a>	2000	QB	Kent		Boyden, R.V.T.	Smith, C.M.			24			Judge requested to but refused to apply MPA principles to CL spouses
Unjust enrichment		Gingras v. Werklund, 2000 ABQB 14	<a href="#">Gingras v. Werklund</a>	2000	QB	Kent		Boyden, R.V.T.	Smith, C.M.			27			P given judgment for housekeeping but none for enabling D to work at business.
Limitation Period		Goddard v. Shade, 2008 ABCA 32	<a href="#">Goddard v. Shade</a>	2008	CA	Coté	McFadyen, Costigan	Makuch, H.N.	Huizinga, Tina	affmg. 2007 ABQB 518		8			On a motion to extend time, court rules time for appeal of MPA judgment is 20 days per R506.
Cohabitation and the MPA		Gordon v. Towell, 2009 ABQB 595	<a href="#">Gordon v. Towell</a>	2009	QB	Lee		Solfa, Christopher A.	Kiriak, Jerry D.			10			Claim of unjust enrichment by CL spouse. Discussion of need to exempt one party's purchase funds and debt in construction of property to prevent his CL spouse from receiving more than she would have under the MPA.

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Equity - fit with MPA		Gould-Hawke (Trustee of) v. Podolski, 2002 ABQB 671	<a href="#">Gould-Hawke (Trustee of) v. Podolski</a>	2002	QB	Hembroff		Wilde, T. Jesse	Farrington, James			32			judge notes that if equity is required by the Act, it was obtained by presence of competent counsel.
s. 8(g) oral or written agreements		Gould-Hawke (Trustee of) v. Podolski, 2002 ABQB 671	<a href="#">Gould-Hawke (Trustee of) v. Podolski</a>	2002	QB	Hembroff		Wilde, T. Jesse	Farrington, James		8(g)	27			s. 8(g) used to enforce unsigned s. 37 agreement.
Assets, included	matrimonial home, interim distribution of RRSPs	Graham v. Graham, 2005 ABQB 816	<a href="#">Graham v. Graham</a>	2005	QB	Binder		Zrymiak, Catherine	Veale, Glenn			39-47			judge conflates these two properties in determining an unequal distribution of increase in mat. home for the wife.
Assets, included	RRSPs	Graham v. Graham, 2005 ABQB 816	<a href="#">Graham v. Graham</a>	2005	QB	Binder		Zrymiak, Catherine	Veale, Glenn			48			judge awards unequal distribution based on s. 8(l)
Corporate assets valuation	labour	Graham v. Graham, 2005 ABQB 816	<a href="#">Graham v. Graham</a>	2005	QB	Binder		Zrymiak, Catherine	Veale, Glenn			34			husband successfully argues for inclusion of labour costs in valuation of stamp company.
Division of assets	by asset	Graham v. Graham, 2005 ABQB 816	<a href="#">Graham v. Graham</a>	2005	QB	Binder		Zrymiak, Catherine	Veale, Glenn			38			judge divides s. 7(3) increase in stamp company unequally between spouses

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income producing assets		Graham v. Graham, 2005 ABQB 816	<a href="#">Graham v. Graham</a>	2005	QB	Binder		Zrymiak, Catherine	Veale, Glenn			58			judge suggests husband buy out wife's share in accounting business.
s. 8(c) contribution to property		Graham v. Graham, 2005 ABQB 816	<a href="#">Graham v. Graham</a>	2005	QB	Binder		Zrymiak, Catherine	Veale, Glenn		8(c)	43, 44			wife left house a mess when she moved out. Also refused to sign renegotiation of mortgage, which would have led to a lower interest rate. Judge says he took note of that in determining distribution
s. 8(k) potential tax liability		Graham v. Graham, 2005 ABQB 816	<a href="#">Graham v. Graham</a>	2005	QB	Binder		Zrymiak, Catherine	Veale, Glenn		8(k)	46			tax consequences in cashing RRSPs noted by judge
s. 8(l) dissipation of property		Graham v. Graham, 2005 ABQB 816	<a href="#">Graham v. Graham</a>	2005	QB	Binder		Zrymiak, Catherine	Veale, Glenn		8(l)	48			judge finds that wife dissipated RRSP money and awards unequal distribution
s. 38 formalities		Grant v. Jovic, 2005 ABQB 323	<a href="#">Grant v. Jovic</a>	2005	QB	Coutu		Merchant, Matthew	Reh, Kenneth		38	72-76	Nova Scotia (Attorney General) v. Walsh, 2002 SCC 83; Smith v. Haworth, [2003] A.J. No.609		CL spouse argues applicability of MPA and failure of settlement agreement to comply with s. 38. Judge states MPA does not apply. However, if it did apply, failure to comply with all formalities does not permit a party to resile from the agreement.



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s. 31 disclosure of property		Gray v. Gray, 2008 ABQB 417	<a href="#">Gray v. Gray</a>	2008	QB	Lee		self	Hunt, Terry		31	11			Husband states he is not bound to provide further disclosure based on purported s. 37 document. Judge states document does not conform to s. 37 and husband is still bound by requirements of MPA.
s. 37 contracting out	settlement agreement	Gray v. Gray, 2008 ABQB 417	<a href="#">Gray v. Gray</a>	2008	QB	Lee		self	Hunt, Terry		37	7			Purported s. 37 document found not to conform with s. 38 formalities.
s. 38 formalities	independent legal advice	Gray v. Gray, 2008 ABQB 417	<a href="#">Gray v. Gray</a>	2008	QB	Lee		self	Hunt, Terry		38	7			Purported s. 37 document found not to conform with s. 38 formalities.
s. 31 disclosure of property		Grier v. Grier, 2003 ABQB 880	<a href="#">Grier v. Grier</a>	2003	QB	Bielby		Janzen, Jayne	Frayne, Raydon		31	14	Murray v. Murray [1994] A.J. No. 762;		judge states that the MPA does not create a fiduciary relationship requiring parties to volunteer disclosure of financial material.
Conduct and the MPA		Grunenwald v. Grunenwald, 2006 ABQB 186	<a href="#">Grunenwald v. Grunenwald</a>	2006	QB	Watson		Patterson, David	Gordon, Marie			23			Allegations of physical violence exist. Husband expresses concern that conduct will be an issue. Judge states "the statute does not encourage it."
s. 20 factors re matrimonial home	financial position of the parties, health of wife	Grunenwald v. Grunenwald, 2006 ABQB 186	<a href="#">Grunenwald v. Grunenwald</a>	2006	QB	Watson		Patterson, David	Gordon, Marie		20	32			Wife's physical condition and husband's financial condition determine that she receives interim possession of home.

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Costs	punitive	Gulewicz v. Gulewicz, 2005 ABQB 166	<a href="#">Gulewicz v. Gulewicz</a>	2005	QB	Hart		McCann, Ed	Harms, Diane			27			punitive costs charged against husband on basis of bad conduct
Debts, excluded	loans from family	Gulewicz v. Gulewicz, 2005 ABQB 166	<a href="#">Gulewicz v. Gulewicz</a>	2005	QB	Hart		McCann, Ed	Harms, Diane			24	Reid v. Reid (1993), A.J. 28; Abbott v. Abbott, 2004 ABQB 233		judge finds loans were an attempt to shield assets from wife. Do not enter matrimonial regime.
Division of assets	by asset	Gulewicz v. Gulewicz, 2005 ABQB 166	<a href="#">Gulewicz v. Gulewicz</a>	2005	QB	Hart		McCann, Ed	Harms, Diane			13-19			Hodgson framework not used.
s. 37 contracting out	duty of care	Hanson v. Hanson 2008 CarswellAlt a 2291	<a href="#">Hanson v. Hanson</a>	2008	QB	Hart		unknown	unknown	affmd. 2009 ABCA 222	37	5			Judge states that under a s. 37 agreement a duty of care may be created by each counsel to the opposing party but that the claim is not made out here.
s. 38 formalities	duty of care	Hanson v. Hanson 2008 CarswellAlt a 2291	<a href="#">Hanson v. Hanson</a>	2008	QB	Hart		unknown	unknown	affmd. 2009 ABCA 222	38	5			Judge states that under a s. 37 agreement a duty of care may be created by each counsel to the opposing party but that the claim is not made out here.

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s. 38 formalities	duty of care	Hanson v. Hanson, 2009 ABCA 222	<a href="#">Hanson v. Hanson</a>	2009	CA	Hunt	Ritter, Martin	Boyden, R.V.T.	Engel, V.A.	affmg. 2008 CarswellAlta 2291	38	15	Hanson v. Hanson, 2009 ABCA 222; Hartshorne v. Hartshorne, 2004 SCC 22	DataNet Information Systems, Inc. v. Belzil, 2010 ABQB 72; Thompson v. Merchant, 2010 SKQB 64	Court upholds striking of 3rd party notice and affirms that the lawyer in this case owes no duty of care to the opposing party.
Assets, included	life insurance	Hay v. Hay, 2000 ABQB 519	<a href="#">Hay v. Hay</a>	2000	QB	Jones		Broda, Ihor	Ares, Louise M			72			husband argued that these were to benefit the children and should not be divided equally.
Assets, included	pension	Hay v. Hay, 2000 ABQB 519	<a href="#">Hay v. Hay</a>	2000	QB	Jones		Broda, Ihor	Ares, Louise M			63	Wilson v. Wilson (1986), 2 R.F.L. (3d) 86		pension divided equally
s. 8(l) dissipation of property		Hay v. Hay, 2000 ABQB 519	<a href="#">Hay v. Hay</a>	2000	QB	Jones		Broda, Ihor	Ares, Louise M		8(1)	70			Judge finds wife's spending money on booze did not amount to dissipation.
Analytical framework		Hennesey v. Hennesey, 2005 ABQB 883	<a href="#">Hennesey v. Hennesey</a>	2005	QB	Foster		Pollock, Michael	McBean, Jean			113	Hodgson v. Hodgson, 2005 ABCA 13		
Corporate assets valuation	double dipping	Hennesey v. Hennesey, 2005 ABQB 883	<a href="#">Hennesey v. Hennesey</a>	2005	QB	Foster		Pollock, Michael	McBean, Jean			130			judge permits double dipping but deducts portion of bonus income used to pay spousal support..

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Date of valuation	date of trial	Hennesey v. Hennesey, 2005 ABQB 883	<a href="#">Hennesey v. Hennesey</a>	2005	QB	Foster		Pollock, Michael	McBean, Jean			114	Hodgson v. Hodgson, 2005 ABCA 13		
Division of assets	by percentage	Hennesey v. Hennesey, 2005 ABQB 883	<a href="#">Hennesey v. Hennesey</a>	2005	QB	Foster		Pollock, Michael	McBean, Jean			134-35, 138			judge divides property before separation equally and divides increases post-separation on a 60/40 basis
s. 37 contracting out	settlement agreement	Hennesey v. Hennesey, 2005 ABQB 883	<a href="#">Hennesey v. Hennesey</a>	2005	QB	Foster		Pollock, Michael	McBean, Jean		37	115			judge disregards items previously disposed in a s. 37 agreement
s. 8(g) oral or written agreements		Hennesey v. Hennesey, 2005 ABQB 883	<a href="#">Hennesey v. Hennesey</a>	2005	QB	Foster		Pollock, Michael	McBean, Jean		8(g)	123			judge states that equal division of proceeds of sale of trucking business not covered by s. 37 agreement and prior equal distribution by parties may be altered

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s. 8(l) dissipation of property	improvident business decisions	Hennesey v. Hennesey, 2005 ABQB 883	<a href="#">Hennesey v. Hennesey</a>	2005	QB	Foster		Pollock, Michael	McBean, Jean		8(l)	86	Hauck v. Hauck, 120 A.R. 120; Lobo v. Lobo, 240 A.R. 257; Hunt v. Smolis -Hunt, 224 A.R. 68; Burger v Burger, 64 A.R. 138; Basaraba v. Basaraba, 1997 CarswellAlta 362		judge states that careless or negligent use of money may constitute dissipation. Finds that improvident investments without financial advice constituted dissipation. Deducts half of money spent from her total.
s. 8(l) dissipation of property	living above one's means	Hennesey v. Hennesey, 2005 ABQB 883	<a href="#">Hennesey v. Hennesey</a>	2005	QB	Foster		Pollock, Michael	McBean, Jean		8(l)	102, 111	S.(C.) v. L.(T.), 2003 ABQB 1013; Compton v Compton, 2004 ABQB 354; Kazmierczak v Kazmierczak, 2003 ABCA 227; Richards v. Richards, 2004 ABQB 263		judge states a spouse living beyond their means may constitute dissipation. Deducts \$20,000 from wife's total for dissipation of assets.

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Purpose of the MPA		Hill v. Ilnicki 2000 CarswellAlt a 1153	<a href="#">Hill v. Ilnicki</a>	2000	QB	Paperny		Bourassa, Richard	self			38	Corbeil v. Bebris (1993), 141 A.R. 215		Judge strongly states purpose of MPA is equal division and that this weighs on any agreement that fails to comply with s. 38 formalities.
s. 37 contracting out	duress	Hill v. Ilnicki 2000 CarswellAlt a 1153	<a href="#">Hill v. Ilnicki</a>	2000	QB	Paperny		Bourassa, Richard	self		37	54	Fridman, The Law of Contract; Pao On v. Lau Yiu Long, [1979] 3 All E.R. 65 (Hong Kong P.C.)		duress argued unsuccessfully.
s. 8(g) oral or written agreements		Hill v. Ilnicki 2000 CarswellAlt a 1153	<a href="#">Hill v. Ilnicki</a>	2000	QB	Paperny		Bourassa, Richard	self		8(g)	38	Corbeil v. Bebris (1993), 141 A.R. 215		states that 8(g) must be carefully considered before it is allowed to move from presumption of equal distribution
s. 8(l) dissipation of property		Hill v. Ilnicki 2000 CarswellAlt a 1153	<a href="#">Hill v. Ilnicki</a>	2000	QB	Paperny		Bourassa, Richard	self		8(l)	71			"Mere improvidence is not sufficiently reckless, careless or neglectful as to justify an unequal division, it does not amount to dissipation. "
Relationship b/w MPA and other acts, orders	Rule 221 ROC	Hinton v. Hinton, 2004 ABQB 369	<a href="#">Hinton v. Hinton</a>	2004	QB	Watson		Pollock, Leonard	Anderson, Beverley			32			judge notes that R221 would appear to have potential of shifting burden of proof from person asserting validity of s. 37 agreement to person asserting avoidance of contract.

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s. 37 contracting out	prenuptial agreement	Hinton v. Hinton, 2004 ABQB 369	<a href="#">Hinton v. Hinton</a>	2004	QB	Watson		Pollock, Leonard	Anderson, Beverley		37	14			judge notes lang. in s. 37 referring to "that property," states that a situation may arise where there is property not covered by a s. 37 agreement.
Disclosure		Hinton v. Hinton, 2008 ABQB 189	<a href="#">Hinton v. Hinton</a>	2008	QB	Macklin		Pollock, Leonard	Anderson, Beverley				Hartshorne v. Hartshorne, 2004 SCC 22		Judge states full disclosure not compelled by signing s. 37 prenuptial agreement. Document complies by stating expectations of each party.
s. 37 contracting out	prenuptial agreement	Hinton v. Hinton, 2008 ABQB 189	<a href="#">Hinton v. Hinton</a>	2008	QB	Macklin		Pollock, Leonard	Anderson, Beverley		37	36	Hartshorne v. Hartshorne, 2004 SCC 22		Wife argues property division should not be governed by prenuptial agreement. Argues s. 38, also non-disclosure. Judge states full disclosure not compelled.
s. 37 contracting out	prenuptial agreement	Hinton v. Hinton, 2008 ABQB 189	<a href="#">Hinton v. Hinton</a>	2008	QB	Macklin		Pollock, Leonard	Anderson, Beverley		37	55			Wife argues undue influence in signing agreement. Rejected.
s. 38 formalities	independent legal advice	Hinton v. Hinton, 2008 ABQB 189	<a href="#">Hinton v. Hinton</a>	2008	QB	Macklin		Pollock, Leonard	Anderson, Beverley		38	27	Hearn v. Hearn (2004), 16 R.F.L. (6th) 87		Wife argues business relationship b/w husband and lawyer prevented him from giving independent legal advice. Judge rejects.
s. 8(e) duration of marriage	short	Hinton v. Hinton, 2008 ABQB 189	<a href="#">Hinton v. Hinton</a>	2008	QB	Macklin		Pollock, Leonard	Anderson, Beverley		8(e)	35			Although s. 8(e) not at issue b/c of s. 37 agreement, short marriage has an effect on disposition of case.

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Corporate assets valuation	key man operation	Hirt v. Hirt, 2000 ABQB 350	<a href="#">Hirt v. Hirt</a>	2000	QB	Verville		Brenda L. Stothert-Kennedy	Miller, Deborah A.			19			Judge finds business was a key man operation
Date of valuation	date of trial	Hirt v. Hirt, 2000 ABQB 350	<a href="#">Hirt v. Hirt</a>	2000	QB	Verville		Brenda L. Stothert-Kennedy	Miller, Deborah A.			19	Bracewell v. Bracewell, [1984] A.J. No. 312		date of separation argued. Judge opted for date of trial.
Debts, excluded	legal fees	Hirt v. Hirt, 2000 ABQB 350	<a href="#">Hirt v. Hirt</a>	2000	QB	Verville		Brenda L. Stothert-Kennedy	Miller, Deborah A.			39			
Assets, included	lake lot	Hodgson v. Hodgson, 2002 ABQB 628	<a href="#">Hodgson v. Hodgson</a>	2002	QB	Ouellette		Cochard, Renee	Pollock, M.L.	rev'd. 2005 ABCA 13		37			claim for exemption of purchase price denied based on constructive trust
Assets, included	royalty payments	Hodgson v. Hodgson, 2002 ABQB 628	<a href="#">Hodgson v. Hodgson</a>	2002	QB	Ouellette		Cochard, Renee	Pollock, M.L.	rev'd. 2005 ABCA 13		32			claim for exemption of royalty monies used for mat. home denied because money intended for joint retirement.
Date of valuation	date of separation	Hodgson v. Hodgson, 2002 ABQB 628	<a href="#">Hodgson v. Hodgson</a>	2002	QB	Ouellette		Cochard, Renee	Pollock, M.L.	rev'd. 2005 ABCA 13		28	Kazmierczak v. Kazmierczak 2001 ABQB 610	D.B.C. v. R.M.W., 2004 ABQB 954	Judge states rule in Mazurenko has relaxe and uses date of separation for valuation. Factors: length of separation, separate and independent lives since separation, change in financial circumstances.



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Division of assets	by asset	Hodgson v. Hodgson, 2002 ABQB 628	<a href="#">Hodgson v. Hodgson</a>	2002	QB	Ouellette		Cochard, Renee	Pollock, M.L.	rev'd. 2005 ABCA 13		passim			judge deals with each asset separately in determining distribution
Unjust enrichment		Hodgson v. Hodgson, 2002 ABQB 628	<a href="#">Hodgson v. Hodgson</a>	2002	QB	Ouellette		Cochard, Renee	Pollock, M.L.	rev'd. 2005 ABCA 13		37			long relationship prior to marriage, including children, were basis for finding a constructive trust

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Analytical framework		Hodgson v. Hodgson, 2005 ABCA 13	<a href="#">Hodgson v. Hodgson</a>	2005	CA	Conrad, Picard, Paperny		Cochard, Renee	Pollock, M.L.	rev'g. 2002 ABQB 628		18-22, 28		Oddan v. Oddan, 2005 ABQB 786; Hennesey v. Hennesey, 2005 ABQB 883; B.(W.P.) v. B.(D.M.), 2006 ABQB 333; Hornby v. Hornby, 2007 ABQB 464; Nasin v. Nasin, 2008 ABQB 219; .G.(W.D) v. G.(D.L.), 2009 ABQB 340; Warwoda v. Warwoda, 2009 ABQB 582; Horne v. Horne, 2010 ABQB 32; Laraque v. Laraque, 2010 ABQB 118; Behiels v. McCarthy, 2010 ABQB 281		Court outlines 4 step analytical framework for dividing property.

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Date of valuation	date of trial	Hodgson v. Hodgson, 2005 ABCA 13	<a href="#">Hodgson v. Hodgson</a>	2005	CA	Conrad, Picard, Paperny		Cochard, Renee	Pollock, M.L.	rev'g. 2002 ABQB 628		10, 28, 32	Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113; Kazmierczak v. Kazmierczak 2001 ABQB 610	2005 ABQB 151; McKenzie v. McKenzie, 2005 ABQB 232; Johnston v. Johnston, 2005 ABQB 320; Vanderham v. Vanderham, 2005 ABQB 351; W.(K.E.) v. M.(C.R.), 2005 ABQB 426; M.(N.) v. M.(C.L.), 2005 ABQB 560; A. v. A., 2005 ABQB 607; Ellis v. Ellis, 2005 ABQB 697; Wright-Watts v. Watts, 2005 ABQB 708; S.W. v. J.W., 2005 ABQB 728; M.(N.) v. M.(C.L.), 2005 ABQB 724; Hennesey v. Hennesey, 2005 ABQB 883; Hughes v. Hughes, 2006 B.(S.I.) v. B.(M.D.), 2006	Court states date of trial is a rule of division, not a rebuttable presumption, and a court may deal with any inequalities that may arise by using s. 8 factors.

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s. 37 contracting out	date of valuation	Hodgson v. Hodgson, 2005 ABCA 13	<a href="#">Hodgson v. Hodgson</a>	2005	CA	Conrad, Picard, Paperny		Cochard, Renee	Pollock, M.L.	rev'g. 2002 ABQB 628	37	29			parties permitted to use another date of valuation or division via use of s. 37
s. 7(3) property		Hodgson v. Hodgson, 2005 ABCA 13	<a href="#">Hodgson v. Hodgson</a>	2005	CA	Conrad, Picard, Paperny		Cochard, Renee	Pollock, M.L.	rev'g. 2002 ABQB 628	7(3)	20			Court states no presumption of equality exists for s. 7(3) property.
s. 8 factors		Hodgson v. Hodgson, 2005 ABCA 13	<a href="#">Hodgson v. Hodgson</a>	2005	CA	Conrad, Picard, Paperny		Cochard, Renee	Pollock, M.L.	rev'g. 2002 ABQB 628	8	28	W.(S.) v. W.(J.), 2005 ABQB 728; M.(N.) v.M.(C.L.), 2005 ABQB 724; G.(R.) v. G.(M.), 2007 ABQB 273; Campbell v. Campbell, 2007 ABQB 637; McAdam v. McAdam, 2009 ABQB 109		Court states that the judge is to use s. 8 factors to deal with any inequities that may arise in division and valuation
Strength of s. 7(4) presumption		Hodgson v. Hodgson, 2005 ABCA 13	<a href="#">Hodgson v. Hodgson</a>	2005	CA	Conrad, Picard, Paperny		Cochard, Renee	Pollock, M.L.	rev'g. 2002 ABQB 628	7(4)	21			Court states judge should be reluctant to interfere w/principle of equality

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s. 38 formalities	prenuptial agreement	Hollingshead v. Hollingshead, 2008 ABQB 659	<a href="#">Hollingshead v. Hollingshead</a>	2008	QB	Wilson		Albrecht, Gerene	Regan, Elizabeth		38	69	Norberg v. Wynrib 1991 Carswell BC 155		Wife launches several arguments against s. 37 agreement, including that she had no free will at time of signing. All rejected.
Analytical framework		Hornby v. Hornby, 2007 ABQB 464	<a href="#">Hornby v. Hornby</a>	2007	QB	Foster		Spitz, Peter	MacKay, Michelle			67	Hodgson v. Hodgson 2005 ABCA 13		
Distribution of assets	double dipping	Hornby v. Hornby, 2007 ABQB 464	<a href="#">Hornby v. Hornby</a>	2007	QB	Foster		Spitz, Peter	MacKay, Michelle			93			husband objects to equal division of post-separation assets because he has been paying spousal/child support
s. 7(3) property		Hornby v. Hornby, 2007 ABQB 464	<a href="#">Hornby v. Hornby</a>	2007	QB	Foster		Spitz, Peter	MacKay, Michelle		7(3)	111			gives entirety of 7(3) property to husband (ratio of increase based on 7(2) exemption)
s. 7(4) property	condominium	Hornby v. Hornby, 2007 ABQB 464	<a href="#">Hornby v. Hornby</a>	2007	QB	Foster		Spitz, Peter	MacKay, Michelle		7(4)	72	Carmichael v. Carmichael, 2007 ABCA 3		judge states that mortgage reduction on s. 7(3) property is s. 7(4) property.
s. 8(a) contribution to marriage and family		Hornby v. Hornby, 2007 ABQB 464	<a href="#">Hornby v. Hornby</a>	2007	QB	Foster		Spitz, Peter	MacKay, Michelle		8(a)	102	Moge v. Moge, 1992 CanLII 25 (S.C.C.), [1992] 3 S.C.R. 813		Wife stayed at home. Husband worked. husband argues that his income increased after separation. Judge doubts relationship.

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s. 8(b) contribution to business		Hornby v. Hornby, 2007 ABQB 464	<a href="#">Hornby v. Hornby</a>	2007	QB	Foster		Spitz, Peter	MacKay, Michelle		8(a)	88		Walker v. Walker, 2009 ABQB 209	Judge states husband is a hard worker and contributed to reducing mortgage on condo.
s. 8(c) contribution to property		Hornby v. Hornby, 2007 ABQB 464	<a href="#">Hornby v. Hornby</a>	2007	QB	Foster		Spitz, Peter	MacKay, Michelle		8(c)	86			husband paid mtg. but judge notes wife was paying mortgage on mat. home.
s. 8(d) income, earning capacity, liabilities, obligations, other resources		Hornby v. Hornby, 2007 ABQB 464	<a href="#">Hornby v. Hornby</a>	2007	QB	Foster		Spitz, Peter	MacKay, Michelle		8(d)	107			Judge notes significant income disparity between parties.
s. 8(e) duration of marriage		Hornby v. Hornby, 2007 ABQB 464	<a href="#">Hornby v. Hornby</a>	2007	QB	Foster		Spitz, Peter	MacKay, Michelle		8(e)	97			judge notes parties were married 13 1/2 yrs., married 8.
s. 8(f) property acquired while separate and apart		Hornby v. Hornby, 2007 ABQB 464	<a href="#">Hornby v. Hornby</a>	2007	QB	Foster		Spitz, Peter	MacKay, Michelle		8(f)	83			judge states he accorded little weight to this factor. Although condo purchased after separation, both spouses cared for property.
s. 8(m) other	interdependence	Hornby v. Hornby, 2007 ABQB 464	<a href="#">Hornby v. Hornby</a>	2007	QB	Foster		Spitz, Peter	MacKay, Michelle		8(m)	94-95	Wilson v. Wilson, (1986 ABCA) 2 R.F.L.(3d) 86		judge notes parties have continued interdependence post separation

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Strength of s. 7(4) presumption		Hornby v. Hornby, 2007 ABQB 464	<a href="#">Hornby v. Hornby</a>	2007	QB	Foster		Spitz, Peter	MacKay, Michelle		7(4)	110			judge divides increase in condo purchased after separation 45/55.
Assets, included	testamentary trusts	Horne v. Horne, 2010 ABQB 32	<a href="#">Horne v. Horne</a>	2010	QB	Topolniski		Tumbach, Dale	Snyder, Thomas			103	Kazmierczak v. Kazmierczak 2003 ABCA 227		Judge includes increase in testamentary trust for purposes of distribution, then gives entire amount to wife, stating that husband did nothing to contribute to it.
Date of valuation	date of trial	Horne v. Horne, 2010 ABQB 32	<a href="#">Horne v. Horne</a>	2010	QB	Topolniski		Tumbach, Dale	Snyder, Thomas			12	Hodgson v. Hodgson, 2005 ABCA 13		
Debts, excluded	legal fees	Horne v. Horne, 2010 ABQB 32	<a href="#">Horne v. Horne</a>	2010	QB	Topolniski		Tumbach, Dale	Snyder, Thomas			31			legal fees not included in post separation debts.
Debts, included	post separation debt	Horne v. Horne, 2010 ABQB 32	<a href="#">Horne v. Horne</a>	2010	QB	Topolniski		Tumbach, Dale	Snyder, Thomas			30	S.(E.) v. S.(J.S.), 2007 ABQB 321		judge states that post separation debt is to be valued as of date of trial and is matrimonial property.
Definition of Property	contingent interests	Horne v. Horne, 2010 ABQB 32	<a href="#">Horne v. Horne</a>	2010	QB	Topolniski		Tumbach, Dale	Snyder, Thomas			69, 99	Gardiner v. Gardiner (1996), 191 A.R. 139		Judge notes that MPA def. of property much broader than B.C.'s or Ontario's. States that had the legislature intended to exclude contingent interests, it would have done so expressly. At issue was a testamentary trust.

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Purpose of the MPA		Horne v. Horne, 2010 ABQB 32	<a href="#">Horne v. Horne</a>	2010	QB	Topolniski		Tumbach, Dale	Snyder, Thomas			96	Jensen v. Jensen, 2009 ABCA 272; Lowe v. Lowe, 2006 CanLII 804; Gardiner v. Gardiner (1996), 191 A.R. 139		Judge states that one purpose of the MPA is to distribute assets of the marriage, "which bear some relationship to the marriage partnership." Judge distinguishes between vested and contingent interest.
s. 37 contracting out	prenuptial agreement	Horne v. Horne, 2010 ABQB 32	<a href="#">Horne v. Horne</a>	2010	QB	Topolniski		Tumbach, Dale	Snyder, Thomas		37	61	Hulleman v. Hulleman, 1999 ABCA 366		judge states that such agreements may be nullified if the parties resume cohabitation after a separation and that property acquired after separation may be subject to division.
s. 7(2) exempt property scope of	principles	Horne v. Horne, 2010 ABQB 32	<a href="#">Horne v. Horne</a>	2010	QB	Topolniski		Tumbach, Dale	Snyder, Thomas		7(2)	34			judge reviews principles regarding s. 7(2) property.
Assets, excluded	disability payments	Hotton v. Hotton, 2006 ABQB 10	<a href="#">Hotton v. Hotton</a>	2006	QB	Wilson		Bayrak, Dennis	Brown, Grant			31	Hamilton v. Hamilton [2005] O.J. No. 3050		disability payments to wife excluded from property division.
Assets, included	pension	Hotton v. Hotton, 2006 ABQB 10	<a href="#">Hotton v. Hotton</a>	2006	QB	Wilson		Bayrak, Dennis	Brown, Grant			30			judge does not discount for post-separation additions



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Division of assets	by asset	Hotton v. Hotton, 2006 ABQB 10	<a href="#">Hotton v. Hotton</a>	2006	QB	Wilson		Bayrak, Dennis	Brown, Grant			35			judge uses s. 8 to give \$3300 credit to husband for dissipation and s. 8(h)
Occupation Rent		Hotton v. Hotton, 2006 ABQB 10	<a href="#">Hotton v. Hotton</a>	2006	QB	Wilson		Bayrak, Dennis	Brown, Grant			20	Kazmierczak v. Kazmierczak 2001 ABQB 610		claimed, rejected
s. 8(h) gifts and transfers to 3 <sup>rd</sup> parties		Hotton v. Hotton, 2006 ABQB 10	<a href="#">Hotton v. Hotton</a>	2006	QB	Wilson		Bayrak, Dennis	Brown, Grant		8(h)	35			Husband receives credit for judge-determined value of personal property wife threw or gave away
s. 8(l) dissipation of property	personal property	Hotton v. Hotton, 2006 ABQB 10	<a href="#">Hotton v. Hotton</a>	2006	QB	Wilson		Bayrak, Dennis	Brown, Grant			35			Husband receives credit for judge-determined value of personal property wife threw or gave away
s. 8(l) dissipation of property	pet damage	Hotton v. Hotton, 2006 ABQB 10	<a href="#">Hotton v. Hotton</a>	2006	QB	Wilson		Bayrak, Dennis	Brown, Grant			14, 19			husband argues spouse allowed dissipation of property from letting several pets destroy the interior of the house. House sold well. No dissipation permitted.
Conduct and the MPA		Hughes v. Hughes 2003 CarswellAlt a 1605	<a href="#">Hughes v. Hughes</a>	2003	QB	Nation		self	Brady, S.	See also Hughes Estate v. Hughes, 2007 ABCA 277; 2006 ABQB 159		114			Judge states wife's actions during marriage do not disentitle her from equal distribution

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Debts, excluded	legal fees	Hughes v. Hughes 2003 CarswellAlt a 1605	<a href="#">Hughes v. Hughes</a>	2003	QB	Nation		self	Brady, S.	See also Hughes Estate v. Hughes, 2007 ABCA 277; 2006 ABQB 159		113			judge refuses to include legal fees for prior litigation re blood transfusion in matrimonial property.
s. 8(l) dissipation of property		Hughes v. Hughes 2003 CarswellAlt a 1605	<a href="#">Hughes v. Hughes</a>	2003	QB	Nation		self	Brady, S.	See also Hughes Estate v. Hughes, 2007 ABCA 277; 2006 ABQB 159	8(l)	111			clash of religious beliefs leading to lawsuits over husband's decision to approve blood transfusion for JW daughter is not held to be dissipation of funds. Judge awards equal division.
s. 8(m) other	conduct	Hughes v. Hughes 2003 CarswellAlt a 1605	<a href="#">Hughes v. Hughes</a>	2003	QB	Nation		self	Brady, S.	See also Hughes Estate v. Hughes, 2007 ABCA 277; 2006 ABQB 159	8(m)	111, 114			clash of religious beliefs leading to lawsuits over husband's decision to approve blood transfusion for JW daughter is not held to be dissipation of funds. Judge awards equal division.
Assets, excluded	severance	Hughes v. Hughes, 2006 ABQB 468	<a href="#">Hughes v. Hughes</a>	2006	QB	Greckol		Pollock, Michael	Gilbert, Peter			93	Tabata v. Smith 2001 ABQB 776; Sutton v. Davidson 1999 ABCA 280; MacDonald v. MacDonald (1997), 209 A.R. 178		severance received after separation ruled income and excluded.

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Assets, excluded	stock shares	Hughes v. Hughes, 2006 ABQB 468	<a href="#">Hughes v. Hughes</a>	2006	QB	Greckol		Pollock, Michael	Gilbert, Peter			86			wife held not entitled to any increase in number of shares after separation.
Assets, included	down payment	Hughes v. Hughes, 2006 ABQB 468	<a href="#">Hughes v. Hughes</a>	2006	QB	Greckol		Pollock, Michael	Gilbert, Peter			81			husband receives 1/2 of down payment on house wife bought with future husband.
Assets, included	pension	Hughes v. Hughes, 2006 ABQB 468	<a href="#">Hughes v. Hughes</a>	2006	QB	Greckol		Pollock, Michael	Gilbert, Peter			25			judge grants share in increase in pensions during cohabitation to both parties.
Assets, included	RRSPs	Hughes v. Hughes, 2006 ABQB 468	<a href="#">Hughes v. Hughes</a>	2006	QB	Greckol		Pollock, Michael	Gilbert, Peter			24			judge states she would have included cohabitation period except for fact that parties valued pension at date of trial (had been separated 5 yrs.)
Assets, included	stock portfolio	Hughes v. Hughes, 2006 ABQB 468	<a href="#">Hughes v. Hughes</a>	2006	QB	Greckol		Pollock, Michael	Gilbert, Peter			27-28			judge grants 1/2 of share of increase in portfolio to wife
Date of division	date of separation	Hughes v. Hughes, 2006 ABQB 468	<a href="#">Hughes v. Hughes</a>	2006	QB	Greckol		Pollock, Michael	Gilbert, Peter			54			judge chooses date of separation as date of division of property.

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Date of valuation	multiple dates used	Hughes v. Hughes, 2006 ABQB 468	<a href="#">Hughes v. Hughes</a>	2006	QB	Greckol		Pollock, Michael	Gilbert, Peter			34	Hodgson v. Hodgson 2005 ABCA 13		States that Hodgson is the rule. However, given long period of separation, many assets are divided at separation.
s. 1(e) Definition of spouse		Hughes v. Hughes, 2006 ABQB 468	<a href="#">Hughes v. Hughes</a>	2006	QB	Greckol		Pollock, Michael	Gilbert, Peter		1(e)	6	Nova Scotia (Attorney General) v. Walsh, 2002 SCC 83	Swaren v. Swaren, 2007 ABQB 193; Shunamon v. Diegel, 2008 ABQB 291;	Does not include common law spouses.
s. 36(2)(a) presumption of joint ownership	tracing	Hughes v. Hughes, 2006 ABQB 468	<a href="#">Hughes v. Hughes</a>	2006	QB	Greckol		Pollock, Michael	Gilbert, Peter		36(1)	42	Jackson v. Jackson (1989), 97 A.R. 153; Harrower v. Harrower (1989), 97 A.R. 141		Husband's inheritance money held to lose half exemption when put into joint funds.
s. 7(3) property		Hughes v. Hughes, 2006 ABQB 468	<a href="#">Hughes v. Hughes</a>	2006	QB	Greckol		Pollock, Michael	Gilbert, Peter		7(3)	54			judge notes all relevant s. 8 factors before ruling that property will be divided equally.
s. 7(3)(a) tracing	stock portfolio	Hughes v. Hughes, 2006 ABQB 468	<a href="#">Hughes v. Hughes</a>	2006	QB	Greckol		Pollock, Michael	Gilbert, Peter		7(3)(a)	38, 70			Traces full amount of portfolio to down payment on mat. home. (note that wife received credit for 1/2 of increase via unjust enrichment)
s. 8(k) potential tax liability	pensions	Hughes v. Hughes, 2006 ABQB 468	<a href="#">Hughes v. Hughes</a>	2006	QB	Greckol		Pollock, Michael	Gilbert, Peter		8(k)	71			amount discounted for potential tax liability.

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s. 8(m) other	date of separation	Hughes v. Hughes, 2006 ABQB 468	<a href="#">Hughes v. Hughes</a>	2006	QB	Greckol		Pollock, Michael	Gilbert, Peter		8(m)	54			long period of separation before divorce was the key factor in determining date of division of property.
Strength of s. 7(4) presumption		Hughes v. Hughes, 2006 ABQB 468	<a href="#">Hughes v. Hughes</a>	2006	QB	Greckol		Pollock, Michael	Gilbert, Peter		7(4)	54			judge notes all relevant s. 8 factors before ruling that presumption of equal division holds.
Unjust enrichment		Hughes v. Hughes, 2006 ABQB 468	<a href="#">Hughes v. Hughes</a>	2006	QB	Greckol		Pollock, Michael	Gilbert, Peter				Peter v. Beblow, 1993 CanLII 126; Panara v. Di Ascenzo 2005 ABCA 47; Garland v. Consumers' Gas Co. 2004 SCC 25; McDougall v. Gesell Estate 1999 CanLII 14218; Kazmierczak v. Kazmierczak 2003 ABCA 227	Brown v. Silvera, 2009 ABQB 523	Wife sought equal division of assets during 1 1/2 yr. period prior to marriage. Used value survived approach. Judge used Kazmierczak to rule that contributions during period of cohabitation were not equal and wife was entitled to 50% of increase in Husband's assets during period of cohabitation.

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Reconciliation		Hulleman v. Hulleman, 2000 ABQB 390	<a href="#">Hulleman v. Hulleman</a>	2000	QB	Trussler		Ares, Louise M	McNeilly, Shirley		37	15		Horne v. Horne, 2010 ABQB 32	Reconciliation found to nullify s. 37 agreement.
s. 37 contracting out	reconciliation	Hulleman v. Hulleman, 2000 ABQB 390	<a href="#">Hulleman v. Hulleman</a>	2000	QB	Trussler		Ares, Louise M	McNeilly, Shirley		37	15		Horne v. Horne, 2010 ABQB 32	Reconciliation found to nullify s. 37 agreement.
s. 10 return of gift or property	lottery ticket	Hykawy v. Hykawy 2007 CarswellAlta 2317	<a href="#">Hykawy v. Hykawy</a>	2007	QB	Bensler		Kerwin, L.; Flannigan, S.	Vallance, K.	rev'd. 2008 ABCA 324	10	24	Cufler v. Baron Investments; Lambert v. Lomore (1997), 212 A.R. 182		Judge uses "probability of prejudice" test to deny application to examine parents separately re lottery ticket.
s. 7(2) exempt property scope of	lottery winnings	Hykawy v. Hykawy 2007 CarswellAlta 2317	<a href="#">Hykawy v. Hykawy</a>	2007	QB	Bensler		Kerwin, L.; Flannigan, S.	Vallance, K.	rev'd. 2008 ABCA 324	7(2)	24	Cufler v. Baron Investments; Lambert v. Lomore (1997), 212 A.R. 182		Judge uses "probability of prejudice" test to deny application to examine parents separately re lottery ticket.
s. 10 return of gift or property		Hykawy v. Hykawy 2008 ABCA 324	<a href="#">Hykawy v. Hykawy</a>	2008	CA	Fraser	Martin, Watson	Flannigan, S.	Castle, D.	rev'g. 2007 CarswellAlta 2317	10	5	Lambert v. Lomore (1997), 212 A.R. 182		s. 10 used to determine permitted scope of examination for discovery, reasonable apprehension of prejudice test used

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Assets, excluded	farm property	J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. Jensen v. Jensen	<a href="#">J.(D.R.) v. J.(M.)</a>	2008	QB	Sullivan		Boyes, Judy	Dudelzak, Richard	rev'd. Jensen v. Jensen, 2009 ABCA 272		13			judge determines that land gifted from husband's parents was actually a resulting trust and excludes it from distribution
Conduct		J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. Jensen v. Jensen	<a href="#">J.(D.R.) v. J.(M.)</a>	2008	QB	Sullivan		Boyes, Judy	Dudelzak, Richard	rev'd. Jensen v. Jensen, 2009 ABCA 272		15			judge notes wife lacked credibility in testimony.
Constructive or resulting trusts	gifted property	J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. Jensen v. Jensen	<a href="#">J.(D.R.) v. J.(M.)</a>	2008	QB	Sullivan		Boyes, Judy	Dudelzak, Richard	rev'd. Jensen v. Jensen, 2009 ABCA 272		13			judge holds that land gifted from husband's parents actually held as a resulting trust. Excluded from distribution.

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Purpose of the MPA		J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. Jensen v. Jensen	<a href="#">J.(D.R.) v. J.(M.)</a>	2008	QB	Sullivan		Boyes, Judy	Dudelzak, Richard	rev'd. Jensen v. Jensen, 2009 ABCA 272		64	Sparrow v. Sparrow, 2006 ABCA 15; Bodor v. Bodor, [1988] A.J. No. 147; Buhler v. Buhler, [1990] A.J. No. 1058; Panara v. Di Ascenzo, 2005 ABCA 47; M.(J.J.) v. M.(C.D.) (Estate), 2008 ABQB 116; LeBlanc v. LeBlanc, 1988 CanLII 96		judge finds unequal division is warranted, citing several cases. <i>He states at para. 64 "The cases above reflect the reality that the contribution of each spouse is not always equal, and matrimonial property should not be divided based on the fiction that it is."</i>
s. 7(3)(a) tracing	cattle, farm equipment	J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. Jensen v. Jensen	<a href="#">J.(D.R.) v. J.(M.)</a>	2008	QB	Sullivan		Boyes, Judy	Dudelzak, Richard	rev'd. Jensen v. Jensen, 2009 ABCA 272	7(3)(a)	22	Hughes v. Hughes, 1998 ABCA 409		judge accepts equipment, horses and cattle as 7(2) property with value traceable into other property (not specified). Judge notes they may also be dealt with under s. 8(m).



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s. 7(3)(a) tracing		J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. Jensen v. Jensen	<a href="#">J.(D.R.) v. J.(M.)</a>	2008	QB	Sullivan		Boyes, Judy	Dudelzak, Richard	rev'd. Jensen v. Jensen, 2009 ABCA 272	7(2)	22	Hughes v. Hughes, 1998 ABCA 409		judge accepts all property brought into marriage as traceable property. Judge notes they may also be dealt with under s. 8(m).
s. 8 factors	no priority to factors	J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. Jensen v. Jensen	<a href="#">J.(D.R.) v. J.(M.)</a>	2008	QB	Sullivan		Boyes, Judy	Dudelzak, Richard	rev'd. Jensen v. Jensen, 2009 ABCA 272	8	25	Sparrow v. Sparrow, 2006 ABCA 15		Factor by factor analysis unnecessary but judge states he needs to look at factors raised in argument.
s. 8(a) contribution to marriage and family		J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. Jensen v. Jensen	<a href="#">J.(D.R.) v. J.(M.)</a>	2008	QB	Sullivan		Boyes, Judy	Dudelzak, Richard	rev'd. Jensen v. Jensen, 2009 ABCA 272	8(a)	26			Judge gives weight to wife's work caring for house and child.
s. 8(b) contribution to business		J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. Jensen v. Jensen	<a href="#">J.(D.R.) v. J.(M.)</a>	2008	QB	Sullivan		Boyes, Judy	Dudelzak, Richard	rev'd. Jensen v. Jensen, 2009 ABCA 272	8(a)	29			Judge states wife did not help develop family assets
s. 8(c) contribution to property		J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. Jensen v. Jensen	<a href="#">J.(D.R.) v. J.(M.)</a>	2008	QB	Sullivan		Boyes, Judy	Dudelzak, Richard	rev'd. Jensen v. Jensen, 2009 ABCA 272	8(c)	32			judge states husband's work far outweighed wife's

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s. 8(d) income, earning capacity, liabilities, obligations, other resources		J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. <i>Jensen v. Jensen</i>	<a href="#">J.(D.R.) v. J.(M.)</a>	2008	QB	Sullivan		Boyes, Judy	Dudelzak, Richard	rev'd. Jensen v. Jensen, 2009 ABCA 272	8(d)	37			judge notes disparity in holdings
s. 8(e) duration of marriage		J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. <i>Jensen v. Jensen</i>	<a href="#">J.(D.R.) v. J.(M.)</a>	2008	QB	Sullivan		Boyes, Judy	Dudelzak, Richard	rev'd. Jensen v. Jensen, 2009 ABCA 272	8(e)	41			Judge notes "a long separation within the matrimonial home" when discussing this issue.
s. 8(f) property acquired while separate and apart		J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. <i>Jensen v. Jensen</i>	<a href="#">J.(D.R.) v. J.(M.)</a>	2008	QB	Sullivan		Boyes, Judy	Dudelzak, Richard	rev'd. Jensen v. Jensen, 2009 ABCA 272	8(f)	42			Judge holds that increase in value of Myrthus lands should be given to husband since corp. paid for building of home.
s. 8(g) oral or written agreements		J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. <i>Jensen v. Jensen</i>	<a href="#">J.(D.R.) v. J.(M.)</a>	2008	QB	Sullivan		Boyes, Judy	Dudelzak, Richard	rev'd. Jensen v. Jensen, 2009 ABCA 272	8(g)	44			Agreement in place whereby wife would be transferred "Myrthus" lands.
s. 8(i) previous distribution of property		J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. <i>Jensen v. Jensen</i>	<a href="#">J.(D.R.) v. J.(M.)</a>	2008	QB	Sullivan		Boyes, Judy	Dudelzak, Richard	rev'd. Jensen v. Jensen, 2009 ABCA 272	8(i)	47			Judge notes previous distribution of property. Also notes that utilities and health care were paid for by corp. while she lived in mat. house following separation.

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s. 8(m) other	assets acquired on basis of relationships	J.(D.R.) v. J.(M.), 2008 ABQB 380 <i>a.k.a. Jensen v. Jensen</i>	<a href="#">J.(D.R.) v. J.(M.)</a>	2008	QB	Sullivan		Boyes, Judy	Dudelzak, Richard	rev'd. Jensen v. Jensen, 2009 ABCA 272	8(m)	52	M.(J.J.) v. M.(C.D.) (Estate), 2008 ABQB 116		states husband's relationship to family of ranchers is a factor weighing to unequal distribution.
s. 8(m) other	Viability of ranching operations	J.(D.R.) v. J.(M.), 2008 ABQB 380 <i>a.k.a. Jensen v. Jensen</i>	<a href="#">J.(D.R.) v. J.(M.)</a>	2008	QB	Sullivan		Boyes, Judy	Dudelzak, Richard	rev'd. Jensen v. Jensen, 2009 ABCA 272	8(m)	49			husband argues that ranching required use of all lands
Assets, included	"Lifting the corporate veil"	Jamieson v. Denman, 2004 ABQB 593	<a href="#">Jamieson v. Denman</a>	2004	QB	Watson		Palamar, Daniel	Brown, Chad			147	Broda v. Broda, (October 23, 2001) 306 A.R. 301		husband attempted to hide assets by storing them in corporate entity and claiming 3rd party interests were involved.
Definition of Property	property taken	Jamieson v. Denman, 2004 ABQB 593	<a href="#">Jamieson v. Denman</a>	2004	QB	Watson		Palamar, Daniel	Brown, Chad	2006 ABQB 210		69			Tort action for wrongful removal of property. Judge defines property taken as falling under s. 1(b) MPA.
s. 33 dispositions during proceedings		Jamieson v. Denman, 2004 ABQB 593	<a href="#">Jamieson v. Denman</a>	2004	QB	Watson		Palamar, Daniel	Brown, Chad		33	150, 159			husband argues s. 33 in the alternative, refused as vexatious and an abuse of process. Judge also notes that this is properly part of a mat. prop. lawsuit, not sep. lawsuit.
Purpose of the MPA		Jang v. Jang 2000 ABQB 607	<a href="#">Jang v. Jang</a>	2000	QB	Binder		Klassen, Claire	Ares, Louise M	2001 ABQB 351		15-16			para. 15 - power of judge is limited to vary equal division; para. 16 - equality is the rule under the act

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s. 37 contracting out	settlement agreement	Jang v. Jang 2000 ABQB 607	<a href="#">Jang v. Jang</a>	2000	QB	Binder		Klassen, Claire	Ares, Louise M	2001 ABQB 351	37	16		Smith v. Hayworth 2003 ABQB 477	formalities not complied with
s. 38 formalities	acknowledgement	Jang v. Jang 2000 ABQB 607	<a href="#">Jang v. Jang</a>	2000	QB	Binder		Klassen, Claire	Ares, Louise M	2001 ABQB 351	38	n/a	Morozuk v. Morozuk (1988), 13 R.F.L. (3d) 151, Corbeil v. Bebris (1993), 141 A.R. 215	Kowalski v. Kowalski, 2002 ABQB 921;	Case used as precedent that an acknowledgement of s. 38 formalities is to take the form of a separate document. However, not stated in opinion.
s. 38 formalities	independent legal advice	Jang v. Jang 2000 ABQB 607	<a href="#">Jang v. Jang</a>	2000	QB	Binder		Klassen, Claire	Ares, Louise M	2001 ABQB 351	38	10	Morozuk v. Morozuk (1988), 13 R.F.L. (3d) 151, Corbeil v. Bebris (1993), 141 A.R. 215	Smith v. Hayworth 2003 ABQB 477, Miles v. Miles 2003 ABQB 688	independent legal advice not required
s. 38 formalities	purpose	Jang v. Jang 2000 ABQB 607	<a href="#">Jang v. Jang</a>	2000	QB	Binder		Klassen, Claire	Ares, Louise M	2001 ABQB 351	38	16-17		Miles v. Miles, 2003 ABQB 688	purpose of s. 38 is to ensure that parties executing the agreement understand their rights under the MPA and the consequences of opting out

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s. 8(g) oral or written agreements		Jang v. Jang 2000 ABQB 607	<a href="#">Jang v. Jang</a>	2000	QB	Binder		Klassen, Claire	Ares, Louise M	2001 ABQB 351		8(g) 10	Morozuk v. Morozuk (1988), 13 R.F.L. (3d) 151	Smith v. Hayworth 2003 ABQB 477, Kowalski v. Kowalski 2002 ABQB 921	s. 38 formalities not complied with therefore, use s. 8(g)
Enforceability of an order	foreign jurisdiction order	Jennings v. Alberta (Provincial Treasurer), 2001 ABQB 494	<a href="#">Jennings v. Alberta (Provincial Treasurer)</a>	2001	QB	Trussler		n/a	Pollock, M.L.			21	Morguard Investments Ltd. v. De Savoye, 1990 CanLII 29 (S.C.C.)		case sought to determine if property division order from another act/jurisdiction was within meaning of "matrimonial property order" and therefore enforceable under the Special Forces Pension Plan Regulation
Relationship b/w MPA and other acts, orders	Family Relations Act, B.C.	Jennings v. Alberta (Provincial Treasurer), 2001 ABQB 494	<a href="#">Jennings v. Alberta (Provincial Treasurer)</a>	2001	QB	Trussler		n/a	Pollock, M.L.			18	Morguard Investments Ltd. v. De Savoye, 1990 CanLII 29 (S.C.C.)		case sought to determine if property division order from another act/jurisdiction was within meaning of "matrimonial property order" and therefore enforceable under the Special Forces Pension Plan Regulation
Relationship b/w MPA and other acts, orders	Special Forces Pension Plan Regulation	Jennings v. Alberta (Provincial Treasurer), 2001 ABQB 494	<a href="#">Jennings v. Alberta (Provincial Treasurer)</a>	2001	QB	Trussler		n/a	Pollock, M.L.			18	Morguard Investments Ltd. v. De Savoye, 1990 CanLII 29 (S.C.C.)		case sought to determine if property division order from another act/jurisdiction was within meaning of "matrimonial property order" and therefore enforceable under the Special Forces Pension Plan Regulation

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Analytical framework		Jensen v. Jensen, 2009 ABCA 272 a.k.a. J.(D.R.) v. J.(M.)	<a href="#">Jensen v. Jensen</a>	2009	CA	Paperny	Ritter, Rowbotham	Boyes, Judy	Castle, D.; Koul, N.	rev'g. J.(D.R.) v. J.(M.), 2008 ABQB 380		23		McIntosh v. McIntosh, 2010 ABQB 168; Behiels v. McCarthy, 2010 ABQB 281; Daved v. Daved, 2010 ABQB 447	court states a microscopic analysis is not necessary.
Constructive or resulting trusts	resulting trust	Jensen v. Jensen, 2009 ABCA 272 a.k.a. J.(D.R.) v. J.(M.)	<a href="#">Jensen v. Jensen</a>	2009	CA	Paperny	Ritter, Rowbotham	Boyes, Judy	Castle, D.; Koul, N.	rev'g. J.(D.R.) v. J.(M.), 2008 ABQB 380		58	Pecore v. Pecore, 2007 SCC 17; Madsen Estate v. Saylor, 2007 SCC 18		Court reviews law on resulting trusts and finds a reversible error. States that "a court should be wary of evidence that is self-serving when a resulting trust is asserted by one spouse, in order to defeat a matrimonial property claim."
Corporate assets valuation		Jensen v. Jensen, 2009 ABCA 272 a.k.a. J.(D.R.) v. J.(M.)	<a href="#">Jensen v. Jensen</a>	2009	CA	Paperny	Ritter, Rowbotham	Boyes, Judy	Castle, D.; Koul, N.	rev'g. J.(D.R.) v. J.(M.), 2008 ABQB 380		39			Court returns disposition costs and cattle to value of corporation

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Purpose of the MPA		Jensen v. Jensen, 2009 ABCA 272 a.k.a. J.(D.R.) v. J.(M.)	<a href="#">Jensen v. Jensen</a>	2009	CA	Paperny	Ritter, Rowbotham	Boyes, Judy	Castle, D.; Koul, N.	rev'g. J.(D.R.) v. J.(M.), 2008 ABQB 380		1, 20	Mazurenko v. Mazurenko (1981), 30 A.R. 34	Horne v. Horne, 2010 ABQB 32; Daved v. Daved, 2010 ABQB 447	Purpose of the MPA to "legally recognize marriage as an economic partnership, founded on the presumption that the parties intend to share the fruits of their labour during and as a result of it, on an equal basis" (para. 1) and also to "protect against inequities arising from dissolution of marriage and to recognize a social and economic partnership" (para. 20)
s. 37 contracting out	interim agreements	Jensen v. Jensen, 2009 ABCA 272 a.k.a. J.(D.R.) v. J.(M.)	<a href="#">Jensen v. Jensen</a>	2009	CA	Paperny	Ritter, Rowbotham	Boyes, Judy	Castle, D.; Koul, N.	rev'g. J.(D.R.) v. J.(M.), 2008 ABQB 380	37	66			Court states that interim agreements fall under s. 37 and therefore are binding.
s. 7(2) exempt property scope of	forgiven debt	Jensen v. Jensen, 2009 ABCA 272 a.k.a. J.(D.R.) v. J.(M.)	<a href="#">Jensen v. Jensen</a>	2009	CA	Paperny	Ritter, Rowbotham	Boyes, Judy	Castle, D.; Koul, N.	rev'g. J.(D.R.) v. J.(M.), 2008 ABQB 380	7(2)	60	Harrower v. Harrower 1989 CanLII 221; Jackson v. Jackson reflex, (1989), 68 Alta. L.R. (2d) 118		Court finds forgiveness of debt on land is a gift under s. 7(2) that was gifted to wife as well and orders 75/25 division.

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s. 7(3) property		Jensen v. Jensen, 2009 ABCA 272 a.k.a. J.(D.R.) v. J.(M.)	<a href="#">Jensen v. Jensen</a>	2009	CA	Paperny	Ritter, Rowbotham	Boyes, Judy	Castle, D.; Koul, N.	rev'g. J.(D.R.) v. J.(M.), 2008 ABQB 380	7(3)	41			Court states that while it may not have divided the percentage as did the TJ, no presumption applies, so it leaves lower judgment undisturbed.
Standard of review		Jensen v. Jensen, 2009 ABCA 272 a.k.a. J.(D.R.) v. J.(M.)	<a href="#">Jensen v. Jensen</a>	2009	CA	Paperny	Ritter, Rowbotham	Boyes, Judy	Castle, D.; Koul, N.	rev'g. J.(D.R.) v. J.(M.), 2008 ABQB 380		14	Morton v. Morton, 2008 ABCA 144		must involve misdirection or be so clearly wrong as to amount to an injustice.
Strength of s. 7(4) presumption		Jensen v. Jensen, 2009 ABCA 272 a.k.a. J.(D.R.) v. J.(M.)	<a href="#">Jensen v. Jensen</a>	2009	CA	Paperny	Ritter, Rowbotham	Boyes, Judy	Castle, D.; Koul, N.	rev'g. J.(D.R.) v. J.(M.), 2008 ABQB 380	7(4)	20, 36	LeBlanc v. LeBlanc, [1988] 1 S.C.R. 217; Elsom v. Elsom, 1989 CanLII 100; Crosby v. Crosby, 2007 ABQB 31; Cox v. Cox, 1998 ABQB 987; Hulleman v. Hulleman, 1999 ABCA 366	McIntosh v. McIntosh, 2010 ABQB 168; Behiels v. McCarthy, 2010 ABQB 281; Daved v. Daved, 2010 ABQB 447	Court states that there is no requirement that the parties' contribution be equal. States presumption "should not be disturbed lightly."



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Purpose of the MPA		Johnston v. Johnston, 2004 ABQB 221	<a href="#">Johnston v. Johnston</a>	2004	QB	Mahoney		Smyth, Robert	Nicholson, Ruellen			62	Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113		Judge states MPA mandates equal sharing of property
Strength of s. 7(4) presumption		Johnston v. Johnston, 2004 ABQB 221	<a href="#">Johnston v. Johnston</a>	2004	QB	Mahoney		Smyth, Robert	Nicholson, Ruellen		7(4)	64			judge orders sale of matrimonial home, stating that children adjust to change in response to wife's argument for an unequal distribution.
Assets, excluded	post-separation property	Johnston v. Johnston, 2005 ABQB 320	<a href="#">Johnston v. Johnston</a>	2005	QB	Sulyma		Cochard, Renee	Chan, Genevieve			71			judge does not consider house purchased after separation to be matrimonial property.
Assets, included	post-separation property	Johnston v. Johnston, 2005 ABQB 320	<a href="#">Johnston v. Johnston</a>	2005	QB	Sulyma		Cochard, Renee	Chan, Genevieve			86	Kazmierczak v. Kazmierczak 2003 ABCA 227	Walker v. Walker, 2009 ABQB 209	increase in value of PC from valuation date to date of trial credited to husband and divided 60/40
Corporate assets valuation	asset-based approach	Johnston v. Johnston, 2005 ABQB 320	<a href="#">Johnston v. Johnston</a>	2005	QB	Sulyma		Cochard, Renee	Chan, Genevieve			29			several methods for corporate asset valuations presented. Liquidation method chosen.
Corporate assets valuation	dividend withdrawal	Johnston v. Johnston, 2005 ABQB 320	<a href="#">Johnston v. Johnston</a>	2005	QB	Sulyma		Cochard, Renee	Chan, Genevieve			77			dividend withdrawn from corporation during separation notionally put back into corp. for purposes of valuation.

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Date of valuation	date of trial	Johnston v. Johnston, 2005 ABQB 320	<a href="#">Johnston v. Johnston</a>	2005	QB	Sulyma		Cochard, Renee	Chan, Genevieve			68	Hodgson v. Hodgson, 2005 ABCA 13		
Debts, excluded	mortgage	Johnston v. Johnston, 2005 ABQB 320	<a href="#">Johnston v. Johnston</a>	2005	QB	Sulyma		Cochard, Renee	Chan, Genevieve			72			mortgage placed on condo after separation excluded from division
Debts, excluded	taxes	Johnston v. Johnston, 2005 ABQB 320	<a href="#">Johnston v. Johnston</a>	2005	QB	Sulyma		Cochard, Renee	Chan, Genevieve			82			tax liability for improperly withdrawing dividends of P.C. given solely to husband.
Assets, excluded	trust fund	Kachur v. Kachur, 2000 ABQB 709	<a href="#">Kachur v. Kachur</a>	2000	QB	Burrows		Tumbach, Dale	Pan, Lillian Y.			36-39	Spiring v. Spiring, 2004 MBQB 55		case concerns husband's interest as a beneficiary in a trust established for the children for purposes of property division
Definition of property		Kachur v. Kachur, 2000 ABQB 709	<a href="#">Kachur v. Kachur</a>	2000	QB	Burrows		Tumbach, Dale	Pan, Lillian Y.			24			Judge notes failure of MPA to define property for purposes of the Act, contrasts to B.C.'s <i>Family Relations Act</i>
Conduct and the MPA		Katrib v. Katrib, 2007 ABQB 626	<a href="#">Katrib v. Katrib</a>	2007	QB	Read		Patterson, David	Topp, Brooks	2008 ABQB 162		passim			conduct of parties discussed extensively but property divided equally
Date of valuation	date of trial	Katrib v. Katrib, 2007 ABQB 626	<a href="#">Katrib v. Katrib</a>	2007	QB	Read		Patterson, David	Topp, Brooks	2008 ABQB 162		66	Hodgson v. Hodgson 2005 ABCA 13		

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Debts, excluded	legal fees	Katrib v. Katrib, 2007 ABQB 626	<a href="#">Katrib v. Katrib</a>	2007	QB	Read		Patterson, David	Topp, Brooks	2008 ABQB 162		70	C.(D.B.) v. W.(R.M.), 2004 ABQB 954		
Debts, excluded	post separation debt	Katrib v. Katrib, 2007 ABQB 626	<a href="#">Katrib v. Katrib</a>	2007	QB	Read		Patterson, David	Topp, Brooks	2008 ABQB 162		71			Judge divides husband's post separation debt 80/20.
Distribution of assets	in specie	Katrib v. Katrib, 2007 ABQB 626	<a href="#">Katrib v. Katrib</a>	2007	QB	Read		Patterson, David	Topp, Brooks	2008 ABQB 162		52			judge gives each party the vehicle they drive. States that it avoids need to divide assets
Relationship b/w MPA and other acts, orders	spousal support order	Katrib v. Katrib, 2007 ABQB 626	<a href="#">Katrib v. Katrib</a>	2007	QB	Read		Patterson, David	Topp, Brooks	2008 ABQB 162		98			husband in arrears in spousal support. Judge recognizes wife wants to keep home so directs that wife may subtract payment from mat. equalization payment.
s. 8(f) property acquired while separate and apart		Katrib v. Katrib, 2007 ABQB 626	<a href="#">Katrib v. Katrib</a>	2007	QB	Read		Patterson, David	Topp, Brooks	2008 ABQB 162	8(f)	67	Metz v. Metz, 2004 ABQB 528		wife argues taking on greater debt constitutes dissipation and should not be counted toward matrimonial property. Judge agrees and apportions debt 80/20.
s. 8(h) gifts and transfers to 3 <sup>rd</sup> parties		Katrib v. Katrib, 2007 ABQB 626	<a href="#">Katrib v. Katrib</a>	2007	QB	Read		Patterson, David	Topp, Brooks	2008 ABQB 162	8(h)	59			husband found to have sent money to sister in Lebanon.
s. 8(l) dissipation of property	debt	Katrib v. Katrib, 2007 ABQB 626	<a href="#">Katrib v. Katrib</a>	2007	QB	Read		Patterson, David	Topp, Brooks	2008 ABQB 162	8(l)	69	Metz v. Metz, 2004 ABQB 528		wife argues taking on greater debt constitutes dissipation and should not be counted toward matrimonial property. Judge agrees and apportions debt 80/20.

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Strength of s. 7(4) presumption		Katrib v. Katrib, 2007 ABQB 626	<a href="#">Katrib v. Katrib</a>	2007	QB	Read		Patterson, David	Topp, Brooks	2008 ABQB 162	7(4)	76			judge divides property equally, except for post-separation debt.
s. 8(m) other	credibility	Katrib v. Katrib, 2007 ABQB 626	<a href="#">Katrib v. Katrib</a>	2007	QB	Read		Patterson, David	Topp, Brooks	2008 ABQB 162	8(m)	48			testimony of parties discussed extensively but equal division of assets
Costs		Katrib v. Katrib, 2008 ABQB 162	<a href="#">Katrib v. Katrib</a>	2008	QB	Read		Patterson, David	Topp, Brooks	2007 ABQB 626		35	Lawson v. Lawson, 2005 ABCA 253; C.(D.B.) v. W.(R.M.), 2005 ABQB 898		judge determines correct schedule to be used for mat. prop. action is not Schedule C. States that proceedings should be considered as a whole.
Costs		Katrib v. Katrib, 2008 ABQB 162	<a href="#">Katrib v. Katrib</a>	2008	QB	Read		Patterson, David	Topp, Brooks	2007 ABQB 626		47	Fott v. Fott 2000 ABQB 503		judge awards cost penalty against husband for unproven allegations of fraud.
Assets, included	pension	Kazmierczak v. Kazmierczak, 2001 ABQB 610	<a href="#">Kazmierczak v. Kazmierczak</a>	2001	QB	Slatter		Alyluia, K.J.	Ares, Louise M	affmd. 2003 ABCA 227		101-102	McAlister v. McAlister (1982), 41 A.R. 277; Watrall v. Watrall (2000), 194 Sask. R. 38		pensions accrued during marriage included for purposes of division.

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Date of division	date of trial	Kazmierczak v. Kazmierczak, 2001 ABQB 610	<a href="#">Kazmierczak v. Kazmierczak</a>	2001	QB	Slatter		Alyluia, K.J.	Ares, Louise M	affmd. 2003 ABCA 227		70	Mazurenko v. (1981) 23 R.F.L. (2d) 113; Tocker v. Tocker, (2000) Alta. L.R. (3d) 174	Hodgson v. Hodgson, 2002 ABQB 628; Lecerf v. Lecerf, 2004 ABQB 501; Hodgson v. Hodgson, 2005 ABCA 13	Judgment contains lengthy discussion of precedent for using date of trial as date of division, except in exceptional circumstances. Ultimately relies on the wording of the Act to rule that date of trial is the appropriate date. Some apparent confusion between "date of division" and "date of valuation" in the judgment.
Division of assets	by asset	Kazmierczak v. Kazmierczak, 2001 ABQB 610	<a href="#">Kazmierczak v. Kazmierczak</a>	2001	QB	Slatter		Alyluia, K.J.	Ares, Louise M	affmd. 2003 ABCA 227		70			Judge determines that property by property division makes the most sense to balance lengthy period of separation before trial.

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Occupation Rent		Kazmierczak v. Kazmierczak, 2001 ABQB 610	<a href="#">Kazmierczak v. Kazmierczak</a>	2001	QB	Slatter		Alyluia, K.J.	Ares, Louise M	affmd. 2003 ABCA 227		18506	Ziff, Principles of Property Law; Grinde v. Grinde (1977), 5 A.R. 561	Cahill v. Weaver, 2005 ABQB 618; M.(N.) v. M.(C.L.), 2005 ABQB 724; McKee v. McKee, 2006 ABQB 196; Peltier v. Peltier, 2007 SKQB 264; Geddes v. Greeley, 2009 ABQB 354; Milne v. Milne, 2009 ABQB 361; Moore v. Moore, 2010 ONSC 663; Beaudry v. Beaudry, 2010 ABQB 119; Verburg v. Verburg, 2010 ABQB 201; Behiels v. McCarthy, 2010 ABQB 281	judge states that occupation rent should only be awarded in a family law context "with great caution." Analogizes claim for occupation rent to claim for "capiazlized" child/spousal support. However, notes that notional occupation rent may be available in some cases due to federal child support guidelines.

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Relationship b/w MPA and other acts, orders	child support order, spousal support order	Kazmierczak v. Kazmierczak, 2001 ABQB 610	<a href="#">Kazmierczak v. Kazmierczak</a>	2001	QB	Slatter		Alyluia, K.J.	Ares, Louise M	affmd. 2003 ABCA 227		84			both parties made claims for support in arrears. Judge discusses appropriateness of "banking" support then making a claim for amount as capital.
s. 8(a) contribution to marriage and family		Kazmierczak v. Kazmierczak, 2001 ABQB 610	<a href="#">Kazmierczak v. Kazmierczak</a>	2001	QB	Slatter		Alyluia, K.J.	Ares, Louise M	affmd. 2003 ABCA 227	8(a)	97			Notes that husband had greater contribution to household but wife unable to contribute equally because of her circumstances. Does not penalize her.
s. 8(e) duration of marriage		Kazmierczak v. Kazmierczak, 2001 ABQB 610	<a href="#">Kazmierczak v. Kazmierczak</a>	2001	QB	Slatter		Alyluia, K.J.	Ares, Louise M	affmd. 2003 ABCA 227	8(e)	97			States that 8(e) and 8(f) are overriding considerations in the case.
s. 8(f) property acquired while separate and apart		Kazmierczak v. Kazmierczak, 2001 ABQB 610	<a href="#">Kazmierczak v. Kazmierczak</a>	2001	QB	Slatter		Alyluia, K.J.	Ares, Louise M	affmd. 2003 ABCA 227	8(f)	97			States that 8(e) and 8(f) are overriding considerations in the case.
s. 8(m) other		Kazmierczak v. Kazmierczak, 2001 ABQB 610	<a href="#">Kazmierczak v. Kazmierczak</a>	2001	QB	Slatter		Alyluia, K.J.	Ares, Louise M	affmd. 2003 ABCA 227	8(m)	97			Judge says this is a consideration but does not elaborate.

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Unjust enrichment		Kazmierczak v. Kazmierczak, 2001 ABQB 610	<a href="#">Kazmierczak v. Kazmierczak</a>	2001	QB	Slatter		Alyluia, K.J.	Ares, Louise M	affmd. 2003 ABCA 227		46			Rejected. Both parties claimed trusts. Judge stated claims were modest and cancelled each other out. Judge notes that he considers division of exempt funds to be "fair compensation."
Analytical framework		Kazmierczak v. Kazmierczak, 2003 ABCA 227	<a href="#">Kazmierczak v. Kazmierczak</a>	2003	CA	Cote, Russell, Smith		Alyluia, K.J.	Ares, Louise M	affmg. 2001 ABQB 610		13, 140		Walker v. Walker, 2009 ABQB 209	States the 4 step analytical framework is merely one option for valuing assets. States that "in specie" is another acceptable method.
Date of valuation	date of trial	Kazmierczak v. Kazmierczak, 2003 ABCA 227	<a href="#">Kazmierczak v. Kazmierczak</a>	2003	CA	Cote, Russell, Smith		Alyluia, K.J.	Ares, Louise M	affmg. 2001 ABQB 610		67, 146		Hodgson v. Hodgson, 2005 ABCA 13; McAdam v. McAdam, 2009 ABQB 109; G.(W.D.) v. G.(D.L.), 2009 ABQB 340	Court states that MPA forbids valuation of exempt assets at any point other than date of marriage.
Debts, excluded	post separation debt	Kazmierczak v. Kazmierczak, 2003 ABCA 227	<a href="#">Kazmierczak v. Kazmierczak</a>	2003	CA	Cote, Russell, Smith		Alyluia, K.J.	Ares, Louise M	affmg. 2001 ABQB 610		59		Hennesey v. Hennesey, 2005 ABQB 883	Court states that debts acquired during separation belong "on the shoulders of those who now owe them."
Debts, included		Kazmierczak v. Kazmierczak, 2003 ABCA 227	<a href="#">Kazmierczak v. Kazmierczak</a>	2003	CA	Cote, Russell, Smith		Alyluia, K.J.	Ares, Louise M	affmg. 2001 ABQB 610		61			Court defines debts as "assets lost" and states they are to be divided.



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Division of assets	by asset	Kazmierczak v. Kazmierczak, 2003 ABCA 227	<a href="#">Kazmierczak v. Kazmierczak</a>	2003	CA	Cote, Russell, Smith		Alyluia, K.J.	Ares, Louise M	affmg. 2001 ABQB 610		42		Johnston v. Johnston, 2005 ABQB 320; Campbell v. Campbell, 2007 ABQB 637	court upholds TJ's division of asset by asset
income producing assets		Kazmierczak v. Kazmierczak, 2003 ABCA 227	<a href="#">Kazmierczak v. Kazmierczak</a>	2003	CA	Cote, Russell, Smith		Alyluia, K.J.	Ares, Louise M	affmg. 2001 ABQB 610		15			Wife argued that TJ allowed husband to keep valuable income-producing assets while she was given "useless" assets.
Potential s. 8 factors	current economic status	Kazmierczak v. Kazmierczak, 2003 ABCA 227	<a href="#">Kazmierczak v. Kazmierczak</a>	2003	CA	Cote, Russell, Smith		Alyluia, K.J.	Ares, Louise M	affmg. 2001 ABQB 610		26, 61, 97-8			wfie's counsel argues that current economic status of wife should be a factor in division. Court rejects at para. 61 although states that it may be a consideration @ para. 97.
s. 7(3) property		Kazmierczak v. Kazmierczak, 2003 ABCA 227	<a href="#">Kazmierczak v. Kazmierczak</a>	2003	CA	Cote, Russell, Smith		Alyluia, K.J.	Ares, Louise M	affmg. 2001 ABQB 610	7(3)	55		Horne v. Horne, 2010 ABQB 32	court reiterates that presumption of equal division does not apply to increase in value of exempt property.
Cohabitation and the MPA		Kinch v. Kinch, 2003 ABQB 291	<a href="#">Kinch v. Kinch</a>	2003	QB	Clark		Cochard, Renee	Lewis, Robert M.	2003 ABQB 742		26			judge considers division of property with regard to both constructive trust argument and MPA
s. 8(a) contribution to marriage and family		Kinch v. Kinch, 2003 ABQB 291	<a href="#">Kinch v. Kinch</a>	2003	QB	Clark		Cochard, Renee	Lewis, Robert M.	2003 ABQB 742	8(a)	21			judge states this is a factor in decision. Does not elaborate.

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s. 8(b) contribution to business		Kinch v. Kinch, 2003 ABQB 291	<a href="#">Kinch v. Kinch</a>	2003	QB	Clark		Cochard, Renee	Lewis, Robert M.	2003 ABQB 742	8(b)	24			wife held to have contributed nothing to business.
s. 8(c) contribution to property		Kinch v. Kinch, 2003 ABQB 291	<a href="#">Kinch v. Kinch</a>	2003	QB	Clark		Cochard, Renee	Lewis, Robert M.	2003 ABQB 742	8(c)	23			husband held to have contributed significantly to increase in value of wife's property. Wife held to have contributed nothing to increase in value in husband's property.
s. 8(d) income, earning capacity, liabilities, obligations, other resources		Kinch v. Kinch, 2003 ABQB 291	<a href="#">Kinch v. Kinch</a>	2003	QB	Clark		Cochard, Renee	Lewis, Robert M.	2003 ABQB 742	8(d)	21			judge states this is a factor in decision. Does not elaborate.
s. 8(e) duration of marriage	short	Kinch v. Kinch, 2003 ABQB 291	<a href="#">Kinch v. Kinch</a>	2003	QB	Clark		Cochard, Renee	Lewis, Robert M.	2003 ABQB 742	8(e)	26			short marriage (2 yrs.) a significant factor
s. 8(m) other		Kinch v. Kinch, 2003 ABQB 291	<a href="#">Kinch v. Kinch</a>	2003	QB	Clark		Cochard, Renee	Lewis, Robert M.	2003 ABQB 742	8(m)	21			judge states this is a factor in decision. Does not elaborate.
Unjust enrichment		Kinch v. Kinch, 2003 ABQB 291	<a href="#">Kinch v. Kinch</a>	2003	QB	Clark		Cochard, Renee	Lewis, Robert M.	2003 ABQB 742		25			Judge fails to find unjust enrichment as argued by wife for share in business assets but finds unjust enrichment as argued by husband for share in wife's property.

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Assets, excluded	property increase	Kirk v. Kirk, 2006 ABQB 782	<a href="#">Kirk v. Kirk</a>	2006	QB	Marshall		Torok-Both, Kerry	Briere, K.M.			27			previous distribution of property leads to exclusion of increase in property from division. Judge states s. 8(i) distribution is final order on property.
Debts, excluded	loans from family	Kirk v. Kirk, 2006 ABQB 782	<a href="#">Kirk v. Kirk</a>	2006	QB	Marshall		Torok-Both, Kerry	Briere, K.M.			22			Loans from parents determined to be moral obligations.
s. 8(i) previous distribution of property		Kirk v. Kirk, 2006 ABQB 782	<a href="#">Kirk v. Kirk</a>	2006	QB	Marshall		Torok-Both, Kerry	Briere, K.M.		8(i)	27			previous distribution of property leads to exclusion of increase in property from division. Judge states s. 8(i) distribution is final order on property.
Potential s. 8 factors	non-economic value of property	Klinck v. Klinck 2010 ABCA 5	<a href="#">Klinck v. Klinck</a>	2010	CA	Hunt	Conrad, Paperny	Harder, D.C.	Campbell, L.P.	affmg. 2008 ABQB 526		11			property had been in family for over 100 yrs.
s. 7(2) definition of gift		Klinck v. Klinck 2010 ABCA 5	<a href="#">Klinck v. Klinck</a>	2010	CA	Hunt	Conrad, Paperny	Harder, D.C.	Campbell, L.P.	affmg. 2008 ABQB 526	7(2)	3		Beaudry v. Beaudry 2010 ABQB 119	exempt asset is reduced by 1/2 value if placed in joint ownership
Assets, exempt	depreciated asset	Klinck v. Klinck, 2008 ABQB 526	<a href="#">Klinck v. Klinck</a>	2008	QB	Sulatycky		Harder, D.C.	Campbell, L.P.	affmd. 2010 ABCA 5		47	Lovich v. Lovich, 2006 ABQB 736		Farm equipment that had depreciated only received proportional exemption to amount of depreciation.
Assets, included	farm property	Klinck v. Klinck, 2008 ABQB 526	<a href="#">Klinck v. Klinck</a>	2008	QB	Sulatycky		Harder, D.C.	Campbell, L.P.	affmd. 2010 ABCA 5		18-29			parties make same argument re properties as in MJ v. DJ case but with opposite determinations by judge. Property in joint or husband's name not deemed to belong still to parents.

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s. 36(2)(a) presumption of joint ownership	tracing	Klinck v. Klinck, 2008 ABQB 526	<a href="#">Klinck v. Klinck</a>	2008	QB	Sulatycky		Harder, D.C.	Campbell, L.P.	affmd. 2010 ABCA 5	36(1)	12	Harrower v. Harrower (1989), 97 A.R. 141	Beaudry v. Beaudry, 2010 ABQB 119	An exempt asset loses 1/2 exemption upon being placed in joint names.
s. 7(3) property		Klinck v. Klinck, 2008 ABQB 526	<a href="#">Klinck v. Klinck</a>	2008	QB	Sulatycky		Harder, D.C.	Campbell, L.P.	affmd. 2010 ABCA 5	7(3)	36			Judge rules that parcel 4 accrued value only by inflation and does not distribute gain.
s. 7(3)(a) tracing	depreciated asset	Klinck v. Klinck, 2008 ABQB 526	<a href="#">Klinck v. Klinck</a>	2008	QB	Sulatycky		Harder, D.C.	Campbell, L.P.	affmd. 2010 ABCA 5	7(3)(a)	10-12	Lovich v. Lovich, 2006 ABQB 736		judge notes general principles for exemptions before beginning resolution of properties in dispute.
s. 7(3)(a) tracing	money	Klinck v. Klinck, 2008 ABQB 526	<a href="#">Klinck v. Klinck</a>	2008	QB	Sulatycky		Harder, D.C.	Campbell, L.P.	affmd. 2010 ABCA 5	7(3)(a)	45	Lovich v. Lovich, 2006 ABQB 736		money deposited into joint account loses exemption.
s. 8(m) other	gift	Klinck v. Klinck, 2008 ABQB 526	<a href="#">Klinck v. Klinck</a>	2008	QB	Sulatycky		Harder, D.C.	Campbell, L.P.	affmd. 2010 ABCA 5	8(m)	35	Sparrow v. Sparrow 2006 ABCA 155		Sparrow used as authority for ruling that parents could have given property at death.
s. 8(m) other	inflation	Klinck v. Klinck, 2008 ABQB 526	<a href="#">Klinck v. Klinck</a>	2008	QB	Sulatycky		Harder, D.C.	Campbell, L.P.	affmd. 2010 ABCA 5	8(m)	35	Sparrow v. Sparrow 2006 ABCA 155		Sparrow also cited as authority that inflation can be a consideration in making mat. prop. division.
Strength of s. 7(4) presumption		Klinck v. Klinck, 2008 ABQB 526	<a href="#">Klinck v. Klinck</a>	2008	QB	Sulatycky		Harder, D.C.	Campbell, L.P.	affmd. 2010 ABCA 5	7(4)	31			all parcels acquired during marriage divided equally.
Assets, excluded	pension	Koch v. Koch, 2002 ABQB 527	<a href="#">Koch v. Koch</a>	2002	QB	Sullivan		Pantony, R.	Clark, James M.B.			25-27			nexus between s. 37 agreement, spousal support claim and pension.

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Relationship b/w MPA and other acts, orders	spousal support order	Koch v. Koch, 2002 ABQB 527	<a href="#">Koch v. Koch</a>	2002	QB	Sullivan		Pantony, R.	Clark, James M.B.			27			Judge states that had wife's claim for division of pension been successful, he would have ordered spousal support for husband.
s. 8(g) oral or written agreements		Koch v. Koch, 2002 ABQB 527	<a href="#">Koch v. Koch</a>	2002	QB	Sullivan		Pantony, R.	Clark, James M.B.		8(g)	25-26			8(g) used to deny claim to pension based on invalid s. 37 agreement that had given wife most of matrimonial property.
Limitation Period		Kokesch v. Kokesch, 2005 ABQB 611	<a href="#">Kokesch v. Kokesch</a>	2005	QB	Foster		Colquhoun, I.	Adamson, Victoria			11			judge states limitation argument has no merit. Does not elaborate.
s. 16 Actions continued by estate		Kokesch v. Kokesch, 2005 ABQB 611	<a href="#">Kokesch v. Kokesch</a>	2005	QB	Foster		Colquhoun, I.	Adamson, Victoria	rev'd. 2007 ABCA 296	16	8	ALRI "Division of Matrimonial Property on Death." report no. 83 May 2000		Judge states estate may not commence action but may only continue action. Also states that legislative direction would be beneficial in this area.
s. 3(2) application for a matrimonial property order		Kokesch v. Kokesch, 2005 ABQB 611	<a href="#">Kokesch v. Kokesch</a>	2005	QB	Foster		Colquhoun, I.	Adamson, Victoria	rev'd. 2007 ABCA 296	3(2)	7			judge states estate may apply for a matrimonial property order under s. 16.
Constructive or resulting trusts		Koorbatoff v. Koorbatoff, 2003 ABQB 189	<a href="#">Koorbatoff v. Koorbatoff</a>	2003	QB	Clarkson		Dunlap, Timothy	Colquhoun, I. Thomas			16			Argument for distribution based on plans to upgrade education fails. However, judge finds deprivation/benefit and awards lump sum spousal support

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Date of division	date of separation	Koorbatoff v. Koorbatoff, 2003 ABQB 189	<a href="#">Koorbatoff v. Koorbatoff</a>	2003	QB	Clarkson		Dunlap, Timothy	Colquhoun, I. Thomas			2			Parties agreed to date of separation for division (valuation). Judge agrees but states that date of trial is "the rule."
Debts, excluded	car loan	Koorbatoff v. Koorbatoff, 2003 ABQB 189	<a href="#">Koorbatoff v. Koorbatoff</a>	2003	QB	Clarkson		Dunlap, Timothy	Colquhoun, I. Thomas			12, 13			debt on car given to husband after judge does not accept exemption for value of car brought into marriage by wife. Judge also states that result removes uncertainty.
s. 8(g) oral or written agreements		Koorbatoff v. Koorbatoff, 2003 ABQB 189	<a href="#">Koorbatoff v. Koorbatoff</a>	2003	QB	Clarkson		Dunlap, Timothy	Colquhoun, I. Thomas		8(g)	5			Parties disagreed on content of agreement re division of assets.
s. 8(m) other	credibility	Koorbatoff v. Koorbatoff, 2003 ABQB 189	<a href="#">Koorbatoff v. Koorbatoff</a>	2003	QB	Clarkson		Dunlap, Timothy	Colquhoun, I. Thomas		8(m)	6			s. 8(m) becomes key factor to determine s. 8(g) agreement. Property divided per agreement

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Relationship b/w MPA and other acts, orders	BIA	Kopr v. Kopr 2006 ABQB 405	<a href="#">Kopr v. Kopr</a>	2006	QB	Slatter		Penny, Michael; Kraus, Michael	Reeson, R.T.G.; Goldsman, Alvin	new action: 2009 ABQB 93		9	Tinant v. Tinant, 2003 ABCA 211, 15 Alta. L.R. (4th) 225, 330 A.R. 148, Lecerf v. Lecerf, 2004 ABQB 501, 33 Alta. L.R. (4th) 151, 378 A.R. 69		
Assets, excluded	RRSP	Kowalski v. Kowalski, 2002 ABQB 921	<a href="#">Kowalski v. Kowalski</a>	2002	QB	Dea		Podemski, Edwina	Cochard, Renee			45			Wife's RRSP excluded. Cashed during separation to pay for living expenses.
Date of valuation	multiple dates used	Kowalski v. Kowalski, 2002 ABQB 921	<a href="#">Kowalski v. Kowalski</a>	2002	QB	Dea		Podemski, Edwina	Cochard, Renee			44			RRSP valued at date RRSP withdrawn. Remaining assets valued at time of trial.
Division of assets	by asset	Kowalski v. Kowalski, 2002 ABQB 921	<a href="#">Kowalski v. Kowalski</a>	2002	QB	Dea		Podemski, Edwina	Cochard, Renee			52			Sausage business kept separate from distribution due to s. 8(g) agreement. Remaining assets totalled and divided.

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s. 38 formalities	prenuptial agreement	Kowalski v. Kowalski, 2002 ABQB 921	<a href="#">Kowalski v. Kowalski</a>	2002	QB	Dea		Podemski, Edwina	Cochard, Renee		38	19	Morozuk v. Morozuk (1988), 13 R.F.L. (3d) 151; Jang v. Jang 2000 ABQB 607	Miles v. Miles, 2003 ABQB 688	failure to draft acknowledgement on separate piece of paper results in agreement held not to fulfill formalities of s. 38.
s. 8(g) oral or written agreements		Kowalski v. Kowalski, 2002 ABQB 921	<a href="#">Kowalski v. Kowalski</a>	2002	QB	Dea		Podemski, Edwina	Cochard, Renee		8(g)	25	Norberg v. Wynrib 1992 CanLII 65 (S.C.C.)		neither undue influence nor unconscionability found. Agreement held enforceable despite absence of formalities.
s. 8(l) dissipation of property	RRSP	Kowalski v. Kowalski, 2002 ABQB 921	<a href="#">Kowalski v. Kowalski</a>	2002	QB	Dea		Podemski, Edwina	Cochard, Renee		8(l)	44			Husband's RRSP withdrawn before trial. Judge valued at date of withdrawal to mitigate dissipation.
Assets, included	pension	Kuszka v. Kuszka, 2006 ABQB 169	<a href="#">Kuszka v. Kuszka</a>	2006	QB	Thomas		Makuch, Nester	Relland, Amanda			48	McAlister v. McAlister (1982), 41 A.R. 277		McAllister formula used.
Assets, included	airplane points	L (A.C.) v L.(C.D.), 2010 ABQB 140	<a href="#">L (A.C.) v L.(C.D.)</a>	2010	QB	Hembroff		Spitz, Peter	Bayrak, Dennis			59	Law v. Law, 2005 ABQB 723		For points that can't be transferred, judge states each party must be willing to book flights for the other party.
s. 8(l) dissipation of property		LaCroix v. LaCroix, 2008 ABQB 534	<a href="#">LaCroix v. LaCroix</a>	2008	QB	McMahon		Ellert, Dale	McGurk, Heather		8(l)	37	Cox v. Cox, 1998 ABQB 987		Although Judge notes evidence of negative intent, judge states detriment essential to claim of dissipation (Cox). Wife fails to prove.



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Analytical framework		Laraque v. Laraque, 2010 ABQB 118	<a href="#">Laraque v. Laraque</a>	2010	QB	Lee		self	Yungwirth, Debbie			49	Hodgson v. Hodgson 2005 ABCA 13		Judge notes Hodgson framework as correct approach to mat. prop. division.
s. 7(3)(a) tracing	depreciated asset	Laraque v. Laraque, 2010 ABQB 118	<a href="#">Laraque v. Laraque</a>	2010	QB	Lee		self	Yungwirth, Debbie			7(3)(a) 57	B.(S.I.) v. B.(M.D.), 2006 ABQB 557; Lovich v. Lovich, 2006 ABQB 736		Judge restates principles of pro rata consumption of s. 7(2) property.
conduct	at trial	Lavrovski v. Lavrovskaja, 2008 ABQB 388	<a href="#">Lavrovski v. Lavrovskaja</a>	2008	QB	Mahoney			Shibley, Valerie	unrepresented, not present		8			Wife chastised for failing to appear.
conduct	post separation	Lavrovski v. Lavrovskaja, 2008 ABQB 388	<a href="#">Lavrovski v. Lavrovskaja</a>	2008	QB	Mahoney			Shibley, Valerie	unrepresented, not present		15			Wife ordered to pay for 1/2 mortgage, legal fees and property inspection on house that fell into foreclosure after separation
Strength of s. 7(4) presumption		Lavrovski v. Lavrovskaja, 2008 ABQB 388	<a href="#">Lavrovski v. Lavrovskaja</a>	2008	QB	Mahoney			Shibley, Valerie	unrepresented, not present		7(4) 14			property divided equally but judge also charges wife with 1/2 share of expenses relating to house post separation
Assets, included	airplane points	Law v. Law, 2005 ABQB 723	<a href="#">Law v. Law</a>	2005	QB	Clackson			Goldsmann, Alvin	Young, Hu Eliot		19		L.(A.C.) v. L.(C.D.), 2010 ABQB 140	judge rules them to be divided.

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Debts, excluded	HELOC	Law v. Law, 2005 ABQB 723	<a href="#">Law v. Law</a>	2005	QB	Clackson		Goldsmann, Alvin	Young, Hu Eliot			15			Heloc ruled to be wife's alone.
Debts, excluded	taxes	Law v. Law, 2005 ABQB 723	<a href="#">Law v. Law</a>	2005	QB	Clackson		Goldsmann, Alvin	Young, Hu Eliot			14			judge declines to adjust value of matrimonial property based on likely tax and commission on sale of property.
s. 8(f) property acquired while separate and apart		Law v. Law, 2005 ABQB 723	<a href="#">Law v. Law</a>	2005	QB	Clackson		Goldsmann, Alvin	Young, Hu Eliot		8(f)	10			argued that wife deserved unequal division because her investments did better than husband's after separation. Rejected
s. 8(l) dissipation of property		Law v. Law, 2005 ABQB 723	<a href="#">Law v. Law</a>	2005	QB	Clackson		Goldsmann, Alvin	Young, Hu Eliot		8(l)	17			judge rules there were offsets in dissipation of assets by both parties.
s. 8(m) other	health	Law v. Law, 2005 ABQB 723	<a href="#">Law v. Law</a>	2005	QB	Clackson		Goldsmann, Alvin	Young, Hu Eliot		8(m)	11			judge states that health will not be considered when making ruling.
Date of valuation	date of trial	Lecerf v. Lecerf, 2004 ABQB 501	<a href="#">Lecerf v. Lecerf</a>	2004	QB	Topolniski		self	self			22-25	Kazmierczak v. Kazmierczak 2001 ABQB 610		wife mistakenly argues for date of separation, believing that it will benefit her to escape bankruptcy proceeding against husband. Judge states proper date is date of trial.
debts, excluded	post separation debt	Lecerf v. Lecerf, 2004 ABQB 501	<a href="#">Lecerf v. Lecerf</a>	2004	QB	Topolniski		self	self			56			post separation debt excluded on basis of settlement agreement.

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Definition of Property	bankruptcy	Lecerf v. Lecerf, 2004 ABQB 501	<a href="#">Lecerf v. Lecerf</a>	2004	QB	Topolniski		self	self			44	Nelson v. Nelson, 2001 ABQB 732; Tinant v. Tinant, 2003 ABCA 211	Tinant v. Tinant, 2004 ABQB 908; Bellamy v. Hill, 2005 SKQB 333	judge finds that the right to seek an MPA exemption was property w/in meaning of BIA and vested in Trustee in Bankruptcy on date of bankruptcy.
Division of assets	by asset	Lecerf v. Lecerf, 2004 ABQB 501	<a href="#">Lecerf v. Lecerf</a>	2004	QB	Topolniski		self	self			54			husband given \$3000 credit for difference between wife's old business and her new one.
Purpose of the MPA		Lecerf v. Lecerf, 2004 ABQB 501	<a href="#">Lecerf v. Lecerf</a>	2004	QB	Topolniski		self	self			21	Alberta Hansard, May 15 1978, page 1223		judge quotes Attorney General's statement on the purpose of the MPA to include expanded definition of property

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Relationship b/w MPA and other acts, orders	BIA	Lecerf v. Lecerf, 2004 ABQB 501	<a href="#">Lecerf v. Lecerf</a>	2004	QB	Topolniski		self	self				Deloitte Haskins & Sells (1983), 42 A.R. 76; Blowes v. Blowe (1993), 21 C.B.R.(3d) 276 ; Dinnapoli v. Yeung 2002 ABQB 714; Tinant v. Tinant 2003 ABCA 211; Maroukis v. Maroukis [1984] 2 S.C.R. 137		judge reviews relationship b/w BIA and MPA in caselaw. Judge also finds that agreement reached by parties does not fit definition of settlement under BIA.
s. 36(2)(a) presumption of joint ownership	tracing	Lecerf v. Lecerf, 2004 ABQB 501	<a href="#">Lecerf v. Lecerf</a>	2004	QB	Topolniski		self	self		36(1)	29			registration in joint title reduces amount traced by 1/2.
s. 7(3)(a) tracing	down payment	Lecerf v. Lecerf, 2004 ABQB 501	<a href="#">Lecerf v. Lecerf</a>	2004	QB	Topolniski		self	self		7(3)(a)	28			down payment on couple's first home traced to matrimonial home.

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s. 8(g) oral or written agreements		Lecerf v. Lecerf, 2004 ABQB 501	<a href="#">Lecerf v. Lecerf</a>	2004	QB	Topolniski		self	self		8(g)	63	Marzetti v. Marzetti [1994] 2 S.C.R. 765		non standard agreement a consideration under s. 8(g). However, judge rejects agreement, finding that parties did not understand its full ramifications.
s. 8(l) dissipation of property		Lecerf v. Lecerf, 2004 ABQB 501	<a href="#">Lecerf v. Lecerf</a>	2004	QB	Topolniski		self	self		8(l)	50			wife's expenditure of joint child tax credit not held to be dissipation, used for living expenses.
s. 8(m) other	move	Lecerf v. Lecerf, 2004 ABQB 501	<a href="#">Lecerf v. Lecerf</a>	2004	QB	Topolniski		self	self		8(m)	53			judge awards unequal distribution of wife's business assets based on sudden move to B.C. w/o warning husband.
s. 36(1) presumption of advancement		Lee v. Obermeyer, 2005 ABQB 480	<a href="#">Lee v. Obermeyer</a>	2005	QB	Park		Russell, J.E.	Davison, J.E.		36(2)(a)	63			Presumption rebutted. House ruled to have been placed in joint names only for purposes of granting mortgage.
s. 7(3)(a) tracing	depreciated asset	Lee v. Obermeyer, 2005 ABQB 480	<a href="#">Lee v. Obermeyer</a>	2005	QB	Park		Russell, J.E.	Davison, J.E.		7(3)(a)	67		B.(S.I.) v. B.(M.D.), 2006 ABQB 557	exemption for a depreciated asset is given a prorated value to original exemption.
s. 8(d) income, earning capacity, liabilities, obligations, other resources		Lee v. Obermeyer, 2005 ABQB 480	<a href="#">Lee v. Obermeyer</a>	2005	QB	Park		Russell, J.E.	Davison, J.E.		s. 8(d)	41, 64			Judge concerned about economic situation of husband and orders equal division of all assets, minus exemptions.

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s. 8(f) property acquired while separate and apart		Lee v. Obermeyer, 2005 ABQB 480	<a href="#">Lee v. Obermeyer</a>	2005	QB	Park		Russell, J.E.	Davison, J.E.		s. 8(f)	64			Wife argues that she should receive unequal distribution of property based on fact that she made all mortgage payments post separation. Judge disagrees.
s. 7(3) property		Little v. Little, 2004 ABQB 812	<a href="#">Little v. Little</a>	2004	QB	Marceau		Miller, D.A.	Zadworny, W.N.B.		7(3)	29 696	Malette v. Robertson, 2004 ABQB		increase on property not brought into matrimonial regime distributed equally
s. 8(a) contribution to marriage and family		Loates v. Loates 2001 CarswellAlt a 350; [2001] A.J. No. 160	<a href="#">Loates v. Loates</a>	2001	QB	Murray		Davies, Christine; Pollock, L.J.	Cochard, Renee		8(a)	16			Judge appears to recognize that conduct may be a valid consideration for s. 8(a)
s. 8(m) other	future employment	Loates v. Loates 2001 CarswellAlt a 350; [2001] A.J. No. 160	<a href="#">Loates v. Loates</a>	2001	QB	Murray		Davies, Christine; Pollock, L.J.	Cochard, Renee		8(m)	16			judge notes that negative impact of marriage on employment could be a s. 8(m) factor.
Strength of s. 7(4) presumption		Loates v. Loates 2001 CarswellAlt a 350; [2001] A.J. No. 160	<a href="#">Loates v. Loates</a>	2001	QB	Murray		Davies, Christine; Pollock, L.J.	Cochard, Renee		7(4)	16			Judge notes that wifes conduct has negatively contributed to marriage but does not move from presumption of equal distribution.

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s. 7(2) exempt property scope of	disability payments	Locke v. Locke, 2006 ABQB 417	<a href="#">Locke v. Locke</a>	2006	QB	Watson		Seitz, Carolyn	Frost, C. Edward		7(2)	31	B. (M.) v. British Columbia (Attorney General), [October 2, 2003] 2 S.C.R. 477		Judge determines that the pension paid to the husband is an insurance disability payment and is not eligible for division.
Limitation Period		Lord v. Bell-Lord, 2007 ABQB 274	<a href="#">Lord v. Bell-Lord</a>	2007	QB	Chrumka		Stopa, J. Patrick	Scheible, Cynthia			56			Judge rules more than 5 years have passed since last "thing" done to advance action. Therefore, action dismissed under R244.1.
Relationship b/w MPA and other acts, orders	Divorce action	Lord v. Bell-Lord, 2007 ABQB 274	<a href="#">Lord v. Bell-Lord</a>	2007	QB	Chrumka		Stopa, J. Patrick	Scheible, Cynthia			29	Hubar v. Barron reflex, (1993) 7 Alta. L.R.; King v. Mohan, (2001) 29 A.R. 119		Joinder of actions does not result in 2 actions becoming 1 and a "thing" done to advance one does not automatically advance the other.
Assets, included	personal injury settlement	Lovich v. Lovich, 2006 ABQB 736	<a href="#">Lovich v. Lovich</a>	2006	QB	Slatter		Ares, Louise M	Martin, E. L.	2006 ABQB 797		57			settlement went into matrimonial home and lost exempt quality
Debts, excluded	post separation debt	Lovich v. Lovich, 2006 ABQB 736	<a href="#">Lovich v. Lovich</a>	2006	QB	Slatter		Ares, Louise M	Martin, E. L.	2006 ABQB 797		60	Hodgson v. Hodgson 2005 ABCA 13		husband argues he should receive credit for having paid down debt post-separation. Refused.
Debts, included	farm related debts	Lovich v. Lovich, 2006 ABQB 736	<a href="#">Lovich v. Lovich</a>	2006	QB	Slatter		Ares, Louise M	Martin, E. L.	2006 ABQB 797		58			wife argues farm debts are business debts and should not be included. Refused.

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income producing assets		Lovich v. Lovich, 2006 ABQB 736	<a href="#">Lovich v. Lovich</a>	2006	QB	Slatter		Ares, Louise M	Martin, E. L.	2006 ABQB 797		45			husband argues that farm equipment are income-producing assets and need to be valued accordingly.
s. 7(2) exempt property scope of	principles	Lovich v. Lovich, 2006 ABQB 736	<a href="#">Lovich v. Lovich</a>	2006	QB	Slatter		Ares, Louise M	Martin, E. L.	2006 ABQB 797	7(2)	38	Harrower v. Harrower (1989), 97 A.R. 141; Troppmann v. Troppmann, 2000 ABQB	Klinck v. Klinck, 2008 ABQB 526; Gardner v. Gardner, 2008 ABQB 527; Beaudry v. Beaudry, 2010 ABQB 119	Judge reviews principles of exempt property from Harrower.
s. 7(3)(a) tracing	depreciated asset	Lovich v. Lovich, 2006 ABQB 736	<a href="#">Lovich v. Lovich</a>	2006	QB	Slatter		Ares, Louise M	Martin, E. L.	2006 ABQB 797	7(3)(a)	44	Harrower v. Harrower (1989), 97 A.R. 141; Troppmann v. Troppmann, 2000 ABQB	Klinck v. Klinck, 2008 ABQB 526; Gardner v. Gardner, 2008 ABQB 527; Beaudry v. Beaudry, 2010 ABQB 119	judge discusses how to value depreciating property, in this case, farm equipment. Rules that correct approach is to value pro-rata based on trade-in value for new equipment.
s. 7(3)(a) tracing	depreciated asset	Lovich v. Lovich, 2006 ABQB 736	<a href="#">Lovich v. Lovich</a>	2006	QB	Slatter		Ares, Louise M	Martin, E. L.	2006 ABQB 797	7(3)(a)	46			Value of partially consumed property allowed to be carried forward into new property on a pro-rata basis based on trade-in value.



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Strength of s. 7(4) presumption		Lovich v. Lovich, 2006 ABQB 736	<a href="#">Lovich v. Lovich</a>	2006	QB	Slatter		Ares, Louise M	Martin, E. L.	2006 ABQB 797	7(4)	69			long term marriage result in equal division of assets.
Assets, included	RRSPs, horse	Low v. Robinson, 2000 ABQB 60	<a href="#">Low v. Robinson</a>	2000	QB	Johnstone		McBean, Jean	Pollock, Michael			124, 126			value of horse included but not maintenance and care
Conduct and the MPA	adultery	Low v. Robinson, 2000 ABQB 60	<a href="#">Low v. Robinson</a>	2000	QB	Johnstone		McBean, Jean	Pollock, Michael			109	Fletcher v. Sullivan	McCulloch v. McCulloch, 2003 ABQB 432; Nuttall v. Rea, 2005 ABQB 151	judge states that leg. intended conduct not to be a factor under s. 8, unless it results in negative economic consequences
Debts, included	credit card, income tax	Low v. Robinson, 2000 ABQB 60	<a href="#">Low v. Robinson</a>	2000	QB	Johnstone		McBean, Jean	Pollock, Michael			126			
Debts, included	loans from family	Low v. Robinson, 2000 ABQB 60	<a href="#">Low v. Robinson</a>	2000	QB	Johnstone		McBean, Jean	Pollock, Michael			125			judge ordered repayment of loan into RESP for children on request of grandparents
s. 7(3)(a) tracing	inheritance	Low v. Robinson, 2000 ABQB 60	<a href="#">Low v. Robinson</a>	2000	QB	Johnstone		McBean, Jean	Pollock, Michael		7(3)(a)	95	Jackson v. Jackson (1989), 97 A.R. 153		money from inheritance traced and given 50% exemption
s. 8 factors	no priority to factors	Low v. Robinson, 2000 ABQB 60	<a href="#">Low v. Robinson</a>	2000	QB	Johnstone		McBean, Jean	Pollock, Michael		8	114 113	Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d)		awards unequal division (55/45) based on contributions to house, aid to development of D's career, inheritance brought to marriage

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Strength of s. 7(4) presumption		Low v. Robinson, 2000 ABQB 60	<a href="#">Low v. Robinson</a>	2000	QB	Johnstone		McBean, Jean	Pollock, Michael		7(4)	99	Katay v. Katay (1995), 168 A.R. 31		
Unjust enrichment		Low v. Robinson, 2000 ABQB 60	<a href="#">Low v. Robinson</a>	2000	QB	Johnstone		McBean, Jean	Pollock, Michael			101			unjust enrichment based on adulterous conduct fails. Judge notes that argument has succeeded elsewhere.
Corporate assets	"lifting the corporate veil"	M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116	<a href="#">M. (J.J.) v. M. (C.D.) Estate</a>	2008	QB	Kenny		Best, Wendy	Willis, Bradley	2008 ABQB 235; affmd. 2009 ABCA 96		82			judge states action does not concern corporate entity at all
Corporate assets	valuation	M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116	<a href="#">M. (J.J.) v. M. (C.D.) Estate</a>	2008	QB	Kenny		Best, Wendy	Willis, Bradley	2008 ABQB 235; affmd. 2009 ABCA 96		100			midway (between capital gains and personal tax rate) dividend tax rate used
Date of valuation	date of separation	M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116	<a href="#">M. (J.J.) v. M. (C.D.) Estate</a>	2008	QB	Kenny		Best, Wendy	Willis, Bradley	2008 ABQB 235; affmd. 2009 ABCA 96		99			date of separation used, goes against precedent
Death of spouse		M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116	<a href="#">M. (J.J.) v. M. (C.D.) Estate</a>	2008	QB	Kenny		Best, Wendy	Willis, Bradley	2008 ABQB 235; affmd. 2009 ABCA 96		passim			

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Distribution of assets	income-producing asset	M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116	<a href="#">M. (J.J.) v. M. (C.D.) Estate.</a>	2008	QB	Kenny		Best, Wendy	Willis, Bradley	2008 ABQB 235; affmd. 2009 ABCA 96		89	Bodor v. Bodor, [1988] A.J. No. 147		inappropriate to sell or liquidate a corporate asset that is a source of income
Potential s. 8 factors	disability	M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116	<a href="#">M. (J.J.) v. M. (C.D.) Estate.</a>	2008	QB	Kenny		Best, Wendy	Willis, Bradley	2008 ABQB 235; affmd. 2009 ABCA 96		76			noted in relationship to s. 8(g). not an 8(d) factor
Property interest	MPA	M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116	<a href="#">M. (J.J.) v. M. (C.D.) Estate.</a>	2008	QB	Kenny		Best, Wendy	Willis, Bradley	2008 ABQB 235; affmd. 2009 ABCA 96		81			Judge states that no beneficial or legal interest in any particular asset created by MPA
s. 8 factors	no priority to factors	M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116	<a href="#">M. (J.J.) v. M. (C.D.) Estate.</a>	2008	QB	Kenny		Best, Wendy	Willis, Bradley	2008 ABQB 235; affmd. 2009 ABCA 96	8	40	Hodgson v. Hodgson, 2005 ABCA 13 , Mazurenko v. Mazurenko (1981), 30 A.R. 34		
s. 8(e) duration of marriage	short	M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116	<a href="#">M. (J.J.) v. M. (C.D.) Estate.</a>	2008	QB	Kenny		Best, Wendy	Willis, Bradley	2008 ABQB 235; affmd. 2009 ABCA 96	8(e)	98(3)			8 years held to be a marriage of short duration. Also, duration of marriage counted to date of separation

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s. 8(g) oral or written agreements	offers to settle	M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116	<a href="#">M. (J.J.) v. M. (C.D.) Estate.</a>	2008	QB	Kenny		Best, Wendy	Willis, Bradley	2008 ABQB 235; affmd. 2009 ABCA 96	8(g)	60-61			proposed even 1/3 split between spouses and child
s. 8(h) gifts and transfers to 3 <sup>rd</sup> parties		M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116	<a href="#">M. (J.J.) v. M. (C.D.) Estate.</a>	2008	QB	Kenny		Best, Wendy	Willis, Bradley	2008 ABQB 235; affmd. 2009 ABCA 96	8(h)	62			buying drugs with jewelry included
s. 8(i) previous distribution of property		M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116	<a href="#">M. (J.J.) v. M. (C.D.) Estate.</a>	2008	QB	Kenny		Best, Wendy	Willis, Bradley	2008 ABQB 235; affmd. 2009 ABCA 96	8(i)	63			funding of time in treatment centre included
s. 8(k) potential tax liability	valuation of assets	M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116	<a href="#">M. (J.J.) v. M. (C.D.) Estate.</a>	2008	QB	Kenny		Best, Wendy	Willis, Bradley	2008 ABQB 235; affmd. 2009 ABCA 96	8(k)	66-67			wife's death limits options on distribution of corporate assets
s. 8(l) dissipation of property		M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116	<a href="#">M. (J.J.) v. M. (C.D.) Estate.</a>	2008	QB	Kenny		Best, Wendy	Willis, Bradley	2008 ABQB 235; affmd. 2009 ABCA 96	8(l)	68			includes money spent by husband in care of wife

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Strength of s. 7(4) presumption		M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116	<a href="#">M. (J.J.) v. M. (C.D.) Estate.</a>	2008	QB	Kenny		Best, Wendy	Willis, Bradley	2008 ABQB 235; affmd. 2009 ABCA 96	7(4)	86-7	LeBlanc v. LeBlanc, [1988] 1 S.C.R. 217; Baker v. Baker Estate, [1992] A.J. No. 1160,	J.(D.R.) v. J.(M.), 2008 ABQB 380	turned on its head, despite noting quote from <i>Silverstein v. Silverstein</i> (1978) 20 O.R. 2nd 185 "the court should be loath to depart from the basic rule [of equal division]."
Potential s. 8 factors	disability	M. (J.J.) V. M. (C.D.) Estate, 2009 ABCA 96	<a href="#">M. (J.J.) V. M. (C.D.) Estate</a>	2009	CA	Slatter	Fraser, Piccard	Best, Wendy	Boyden, R.V.T.	affmg. 2008 ABQB 116		4	LeBlanc v. LeBlanc, [1988] 1 S.C.R. 217		Court states that addiction is a disease but that its effect on assets can be considered in dividing property. Notes that TJ division might not be what they would have done but that decision is entitled to deference.
Date of valuation		M. (P.M.) v. M. (R.W.) 2000 CarswellAlt a 870; [2000] A.J. No. 976	<a href="#">M. (P.M.) v. M. (R.W.)</a>	2000	QB	Lee (chambers)		Stothert-Kennedy, Brenda L.	Stark, Lorraine A.	2000 ABQB 624		129			Chambers judge refuses to rule on date of valuation, stating that the issue needs to be decided by the trial judge.
Distribution of assets	interim distribution	M. (P.M.) v. M. (R.W.) 2000 CarswellAlt a 870; [2000] A.J. No. 976	<a href="#">M. (P.M.) v. M. (R.W.)</a>	2000	QB	Lee (chambers)		Stothert-Kennedy, Brenda L.	Stark, Lorraine A.	2000 ABQB 624		100-101			Judge orders interim distribution in order to place wife on "equal financial footing" with husband "and to relieve dependency." States purpose is to fund litigation.

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Conduct and the MPA		M.(D.G.) v. M.(K.M.), 2002 ABQB 225 a.k.a. Miller v. Miller	<a href="#">M.(D.G.) v. M.(K.M.)</a>	2002	QB	Bielby		Ares, Louise M	Cochard, Renee	affmd. Miller v. Miller, 2004 ABCA 257		42			conduct ruled irrelevant to division of assets.
Date of valuation	date of separation	M.(D.G.) v. M.(K.M.), 2002 ABQB 225 a.k.a. Miller v. Miller	<a href="#">M.(D.G.) v. M.(K.M.)</a>	2002	QB	Bielby		Ares, Louise M	Cochard, Renee	affmd. Miller v. Miller, 2004 ABCA 257		111			judge accepted parties' joint request for valuation as of date of separation.
Debts, excluded	interest	M.(D.G.) v. M.(K.M.), 2002 ABQB 225 a.k.a. Miller v. Miller	<a href="#">M.(D.G.) v. M.(K.M.)</a>	2002	QB	Bielby		Ares, Louise M	Cochard, Renee	affmd. Miller v. Miller, 2004 ABCA 257	8(g)	109			judge declines to include interest on promissory note in property division.
income producing assets	employment bonus	M.(D.G.) v. M.(K.M.), 2002 ABQB 225 a.k.a. Miller v. Miller	<a href="#">M.(D.G.) v. M.(K.M.)</a>	2002	QB	Bielby		Ares, Louise M	Cochard, Renee	affmd. Miller v. Miller, 2004 ABCA 257		92	McDonald v. McDonald, 1998 ABCA 241		judge rules that employment bonus is income and therefore exempt from distribution.

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Limitation Period		M.(D.G.) v. M.(K.M.), 2002 ABQB 225 a.k.a. Miller v. Miller	<a href="#">M.(D.G.) v. M.(K.M.)</a>	2002	QB	Bielby		Ares, Louise M	Cochard, Renee	affmd. Miller v. Miller, 2004 ABCA 257		106			judge states limitation period has no relevance re s. 8(g) agreements and their effect of distribution of matrimonial property
Method of valuation		M.(D.G.) v. M.(K.M.), 2002 ABQB 225 a.k.a. Miller v. Miller	<a href="#">M.(D.G.) v. M.(K.M.)</a>	2002	QB	Bielby		Ares, Louise M	Cochard, Renee	affmd. Miller v. Miller, 2004 ABCA 257		36			fluctuations in value of an asset during marriage are irrelevant.
s. 36(1) presumption of advancement		M.(D.G.) v. M.(K.M.), 2002 ABQB 225 a.k.a. Miller v. Miller	<a href="#">M.(D.G.) v. M.(K.M.)</a>	2002	QB	Bielby		Ares, Louise M	Cochard, Renee	affmd. Miller v. Miller, 2004 ABCA 257	7(2)	66			Wife given full exemption for money from proceeds of sale of prior house. Presumption of advancement rebutted by promissory note from husband
s. 36(1) presumption of advancement		M.(D.G.) v. M.(K.M.), 2002 ABQB 225 a.k.a. Miller v. Miller	<a href="#">M.(D.G.) v. M.(K.M.)</a>	2002	QB	Bielby		Ares, Louise M	Cochard, Renee	affmd. Miller v. Miller, 2004 ABCA 257	7(2)	56			Husband given full exemption for money used for down payment of house, despite potential s. 36 argument as property was placed in both names.

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s. 7(2) definition of gift		M.(D.G.) v. M.(K.M.), 2002 ABQB 225 <i>a.k.a. Miller v. Miller</i>	<a href="#">M.(D.G.) v. M.(K.M.)</a>	2002	QB	Bielby		Ares, Louise M	Cochard, Renee	affmd. Miller v. Miller, 2004 ABCA 257	7(2)	35			judge states that transference of an interest from legal to beneficial does not affect exempt status of interest
s. 7(3)(a) tracing	shares	M.(D.G.) v. M.(K.M.), 2002 ABQB 225 <i>a.k.a. Miller v. Miller</i>	<a href="#">M.(D.G.) v. M.(K.M.)</a>	2002	QB	Bielby		Ares, Louise M	Cochard, Renee	affmd. Miller v. Miller, 2004 ABCA 257	7(3)(a)	34		Felker v. Felker, 2005 ABQB 365	tracing not lost by change in status of interest from legal to beneficial
s. 8(c) contribution to property		M.(D.G.) v. M.(K.M.), 2002 ABQB 225 <i>a.k.a. Miller v. Miller</i>	<a href="#">M.(D.G.) v. M.(K.M.)</a>	2002	QB	Bielby		Ares, Louise M	Cochard, Renee	affmd. Miller v. Miller, 2004 ABCA 257	8(c)	123			judge refuses to grant unequal division based on money spent by husband to renovate house post-separation to prepare it for sale.
s. 8(g) oral or written agreements	promissory note	M.(D.G.) v. M.(K.M.), 2002 ABQB 225 <i>a.k.a. Miller v. Miller</i>	<a href="#">M.(D.G.) v. M.(K.M.)</a>	2002	QB	Bielby		Ares, Louise M	Cochard, Renee	affmd. Miller v. Miller, 2004 ABCA 257	8(g)	106			judge gives effect to s. 8(g) agreement by awarding an amount equal to promissory note



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Assets, included	mobile home	M.(G.A.) v. M.(C.A.), 2008 ABQB 375	<a href="#">M.(G.A.) v. M.(C.A.)</a>	2008	QB	Shelley		Bruyer, Laura or Kiriak, Jerry	Bruyer, Laura or Kiriak, Jerry			56			Judge distributes mobile home to husband. States wife had received unequal distribution upon separation.
Assets, included	RRSPs	M.(G.A.) v. M.(C.A.), 2008 ABQB 375	<a href="#">M.(G.A.) v. M.(C.A.)</a>	2008	QB	Shelley		Bruyer, Laura or Kiriak, Jerry	Bruyer, Laura or Kiriak, Jerry			56			Judge states that RRSP money will be divided as of date of separation due to wife's "financial misconduct."
Date of division	date of separation	M.(G.A.) v. M.(C.A.), 2008 ABQB 375	<a href="#">M.(G.A.) v. M.(C.A.)</a>	2008	QB	Shelley		Bruyer, Laura or Kiriak, Jerry	Bruyer, Laura or Kiriak, Jerry			57			Judge states that RRSP money will be divided as of date of separation due to wife's "financial misconduct."
Date of valuation	date of trial	M.(G.A.) v. M.(C.A.), 2008 ABQB 375	<a href="#">M.(G.A.) v. M.(C.A.)</a>	2008	QB	Shelley		Bruyer, Laura or Kiriak, Jerry	Bruyer, Laura or Kiriak, Jerry			55	Hodgson v. Hodgson, 2005 ABCA 13		states date of valuation is date of trial but divides RRSP money as of date of separation.
s. 8(c) contribution to property		M.(G.A.) v. M.(C.A.), 2008 ABQB 375	<a href="#">M.(G.A.) v. M.(C.A.)</a>	2008	QB	Shelley		Bruyer, Laura or Kiriak, Jerry	Bruyer, Laura or Kiriak, Jerry		8(c)	56			Judge states wife had nothing to do with purchase or maintenance of mobile home, given 100% to husband.
s. 8(f) property acquired while separate and apart		M.(G.A.) v. M.(C.A.), 2008 ABQB 375	<a href="#">M.(G.A.) v. M.(C.A.)</a>	2008	QB	Shelley		Bruyer, Laura or Kiriak, Jerry	Bruyer, Laura or Kiriak, Jerry		8(f)	56			mobile home acquired after separation given to husband

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Strength of s. 7(4) presumption		M.(G.A.) v. M.(C.A.), 2008 ABQB 375	<a href="#">M.(G.A.) v. M.(C.A.)</a>	2008	QB	Shelley		Bruyer, Laura or Jerry Kiriak	Bruyer, Laura or Jerry Kiriak		7(4)	56			Judge distributes mobile home to husband. States wife had received unequal distribution upon separation.
Costs	punitive	M.(N.) v. M.(C.L.), 2005 ABQB 724	<a href="#">M.(N.) v. M.(C.L.)</a>	2005	QB	Acton		self	Barnes, Basil	rev'd. in part 2008 ABCA 108		89			wife awarded punitive costs for husbands bad behavior.
Date of valuation	date of trial	M.(N.) v. M.(C.L.), 2005 ABQB 724	<a href="#">M.(N.) v. M.(C.L.)</a>	2005	QB	Acton		self	Barnes, Basil	rev'd. in part 2008 ABCA 108		67	Hodgson v. Hodgson, 2005 ABCA 13		
Debts, included	division of debt	M.(N.) v. M.(C.L.), 2005 ABQB 724	<a href="#">M.(N.) v. M.(C.L.)</a>	2005	QB	Acton		self	Barnes, Basil	rev'd. in part 2008 ABCA 108		75			judge states that because wife awarded balance of assets, she is responsible for all matrimonial debt. <i>However, 60/40 division occurs after debt is subtracted.</i>
Distribution of assets	in specie	M.(N.) v. M.(C.L.), 2005 ABQB 724	<a href="#">M.(N.) v. M.(C.L.)</a>	2005	QB	Acton		self	Barnes, Basil	rev'd. in part 2008 ABCA 108		73-74			distributes property by asset, which gives wife nearly 75% of property, then uses child support set-off to equalize distribution. Very strange.
Method of valuation	McAllister formula	M.(N.) v. M.(C.L.), 2005 ABQB 724	<a href="#">M.(N.) v. M.(C.L.)</a>	2005	QB	Acton		self	Barnes, Basil	rev'd. in part 2008 ABCA 108		69			husband requests that McAllister formula be used for pensions but presents no evidence on which to found the claim.
Occupation Rent		M.(N.) v. M.(C.L.), 2005 ABQB 724	<a href="#">M.(N.) v. M.(C.L.)</a>	2005	QB	Acton		self	Barnes, Basil	rev'd. in part 2008 ABCA 108		68	Kazmierczak v. Kazmierczak 2001 ABQB 610		wife living in home with children. Husband not granted occupation rent.

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s. 8 factors	no priority to factors	M.(N.) v. M.(C.L.), 2005 ABQB 724	<a href="#">M.(N.) v. M.(C.L.)</a>	2005	QB	Acton		self	Barnes, Basil	rev'd. in part 2008 ABCA 108	8	67	Hodgson v. Hodgson, 2005 ABCA 13		No priority to factors.
s. 8(a) contribution to marriage and family		M.(N.) v. M.(C.L.), 2005 ABQB 724	<a href="#">M.(N.) v. M.(C.L.)</a>	2005	QB	Acton		self	Barnes, Basil	rev'd. in part 2008 ABCA 108	8(a)	65	544 LeBlanc v. LeBlanc, [1988] 1 S.C.R. 2176; Gardner v. Gardner, 1999 ABQB		judge quotes from Gardner that parents are obliged to maximize their income for the benefit of their children. Rules that husband did not.
s. 8(c) contribution to property		M.(N.) v. M.(C.L.), 2005 ABQB 724	<a href="#">M.(N.) v. M.(C.L.)</a>	2005	QB	Acton		self	Barnes, Basil	rev'd. in part 2008 ABCA 108	8(c)	65			states wife contributed to property
s. 8(d) income, earning capacity, liabilities, obligations, other resources		M.(N.) v. M.(C.L.), 2005 ABQB 724	<a href="#">M.(N.) v. M.(C.L.)</a>	2005	QB	Acton		self	Barnes, Basil	rev'd. in part 2008 ABCA 108	8(d)	65			states that wife has significantly lower income potential.
s. 8(e) duration of marriage		M.(N.) v. M.(C.L.), 2005 ABQB 724	<a href="#">M.(N.) v. M.(C.L.)</a>	2005	QB	Acton		self	Barnes, Basil	rev'd. in part 2008 ABCA 108	8(e)	65			includes 6 year period of cohabitation in length.
s. 8(f) property acquired while separate and apart		M.(N.) v. M.(C.L.), 2005 ABQB 724	<a href="#">M.(N.) v. M.(C.L.)</a>	2005	QB	Acton		self	Barnes, Basil	rev'd. in part 2008 ABCA 108	8(f)	65			considers that Jeep was acquired by wife when separate and apart

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Strength of s. 7(4) presumption		M.(N.) v. M.(C.L.), 2005 ABQB 724	<a href="#">M.(N.) v. M.(C.L.)</a>	2005	QB	Acton		self	Barnes, Basil	rev'd. in part 2008 ABCA 108	7(4)	71			judge divides property 60/40 in wife's favour.
Debts, excluded	property taxes	M.(N.) v. M.(C.L.), 2008 ABCA 108	<a href="#">M.(N.) v. M.(C.L.)</a>	2008	CA	Hunt, Slatter, Hillier		self	Alyluia, K.J.	rev'g. in part 2005 ABQB 724		8			Court states that property taxes after separation accrued solely to wife, who had full possession of house.
Costs	double	MacDonald v. Galley, 2005 ABQB 287	<a href="#">MacDonald v. Galley</a>	2005	QB	Wilson		Boyes, Judy	Thornborough, James; Styczen, Carrie	2005 ABQB 38		8			duration of marriage used to determine costs, double costs awarded in a subsequent decision
s. 8(g) oral or written agreements	offers to settle	MacDonald v. Galley, 2005 ABQB 38	<a href="#">MacDonald v. Galley</a>	2005	QB	Wilson		Boyes, Judy	Thornborough, James; Styczen, Carrie	2005 ABQB 287	8(g)	3			
Assets, excluded	RRSP	MacEwan v. MacEwan, 2003 ABQB 966	<a href="#">MacEwan v. MacEwan</a>	2003	QB	Acton		Hennessey, Shaun	Davies, Kathleen			9,10			per marriage agreement
Date of division	date of trial	MacEwan v. MacEwan, 2003 ABQB 966	<a href="#">MacEwan v. MacEwan</a>	2003	QB	Acton		Hennessey, Shaun	Davies, Kathleen			14			first date of trial (also date of divorce) held to be date of division
s. 8(l) dissipation of property		MacEwan v. MacEwan, 2003 ABQB 966	<a href="#">MacEwan v. MacEwan</a>	2003	QB	Acton		Hennessey, Shaun	Davies, Kathleen		8(l)	10			judge rules that placing money in RRSP after separation does not count as dissipation.

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s. 7(2) exempt property scope of	inheritance	Mallette v. Robertson, 2004 ABQB 696	<a href="#">Mallette v. Robertson</a>	2004	QB	Martin		Mahoney, P.F.	Boyden, R.V.T.		7(2)	15			judge finds neither gift nor gain was brought into matrimonial regime.
s. 7(3) property		Mallette v. Robertson, 2004 ABQB 696	<a href="#">Mallette v. Robertson</a>	2004	QB	Martin		Mahoney, P.F.	Boyden, R.V.T.		7(3)	23		Little v. Little, 2004 ABQB 812	judge awards 1/4 of increase in value of property to husband based on s. 8 factors, particularly s. 8(d). States it would be inequitable not to award a portion of increase due to large disparity that would result.
s. 8(a) contribution to marriage and family		Mallette v. Robertson, 2004 ABQB 696	<a href="#">Mallette v. Robertson</a>	2004	QB	Martin		Mahoney, P.F.	Boyden, R.V.T.		8(a)	18	St. Jacques v. St. Jacques (1982), 29 R.F.L. (2d) 195		each party contributed to marriage
s. 8(c) contribution to property		Mallette v. Robertson, 2004 ABQB 696	<a href="#">Mallette v. Robertson</a>	2004	QB	Martin		Mahoney, P.F.	Boyden, R.V.T.		8(c)	19			judge states neither spouse did anything to enhance value of property.
s. 8(d) income, earning capacity, liabilities, obligations, other resources		Mallette v. Robertson, 2004 ABQB 696	<a href="#">Mallette v. Robertson</a>	2004	QB	Martin		Mahoney, P.F.	Boyden, R.V.T.		8(d)	20			both parties near retirement and their income-earning capacity is limited

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Issue	Subissue	Case+cite	pdf	Year	Ct	Judge	Other judges	H's lawyer	W's lawyer	Other proceedings	Sec.	Para.	Cases relied upon	Cases relying upon	Notes/facts
s. 8(e) duration of marriage	long	Mallette v. Robertson, 2004 ABQB 696	<a href="#">Mallette v. Robertson</a>	2004	QB	Martin		Mahoney, P.F.	Boyden, R.V.T.		8(e)	18			long-term marriage
Debts, included	post separation debt	Marler v. Marler, 2007 ABQB 429	<a href="#">Marler v. Marler</a>	2007	QB	Lee		Gosselin, Diana	MacKay, Frank			160	Busenius v. Busenius, [2006] A.J. No. 238		States it is debt that both parties "implicitly agreed to incur while married" (Busenius)
Occupation Rent		Marler v. Marler, 2007 ABQB 429	<a href="#">Marler v. Marler</a>	2007	QB	Lee		Gosselin, Diana	MacKay, Frank			169	Braglin v. Braglin, [2002] A.J. No. 1198		Cites Braglin as stating that spousal support is better equipped to deal w/ occupation rent than MPA.
s. 7(4) property	matrimonial home	Marler v. Marler, 2007 ABQB 429	<a href="#">Marler v. Marler</a>	2007	QB	Lee		Gosselin, Diana	MacKay, Frank		7(4)	153			wife seeks unequal distribution to mitigate rapid inflation of house. Judge refuses.
s. 9 distribution		Marler v. Marler, 2007 ABQB 429	<a href="#">Marler v. Marler</a>	2007	QB	Lee		Gosselin, Diana	MacKay, Frank		9	182			Wife proposes long term payment to husband in lieu of lump sum equalization payment. States she is unable to obtain a mortgage for full amount. Refused.
s. 37 contracting out	prenuptial agreement	Mastalerz v. Mastalerz, 2007 ABQB 416	<a href="#">Mastalerz v. Mastalerz</a>	2007	QB	Shelley		Daunais, Patricia	Allen, Laurie		37	25	Roberts v. Salvador, 2006 ABQB 400		Wife argues that since she was newly arrived from Poland, she did not understand legal effect of the agreement. Also argued unconscionability, duress, change in circumstances. Agreement upheld.

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Assets, exempt	home improvements	Masur v. Madiros 2000 CarswellAlta 1039	<a href="#">Masur v. Madiros</a>	2000	QB	Ritter		O'Dell, Elizabeth R.	Hinz, H.			60			Husband given partial (1/3) exemption for money paid towards improvements to house made before marriage.
Assets, exempt	mortgage payments	Masur v. Madiros 2000 CarswellAlta 1039	<a href="#">Masur v. Madiros</a>	2000	QB	Ritter		O'Dell, Elizabeth R.	Hinz, H.			59			Husband given exemption for portion of mortgage payments applied to principal before marriage.
s. 8(l) dissipation of property	pet damage	Masur v. Madiros 2000 CarswellAlta 1039	<a href="#">Masur v. Madiros</a>	2000	QB	Ritter		O'Dell, Elizabeth R.	Hinz, H.		8(l)	58			Judge includes exemption for pet damage
s. 35 certificate of lis pendens		Mauil v. Mauil, 2002 ABQB 387	<a href="#">Mauil v. Mauil</a>	2002	QB	Burrows		Ewasko, Gary W.	LeDrew, Wayne		35	11	P.D.Y. Management Services Ltd. v. MacMullin, 2010 ABQB 173; Adair Homes Ltd. v. Desjardine, 2006 ABQB 373		procedure for removing lis pendens said to be linked inextricably to action unless voluntarily removed by claimant
Analytical framework		McAdam v. McAdam, 2009 ABQB 109	<a href="#">McAdam v. McAdam</a>	2009	QB	Mahoney		Goold, Linda	Matkovic, Matia; Allen, Carolyn			18-23	Hodgson v. Hodgson, 2005 ABQA 13		Judge notes Hodgson framework as correct approach to mat. prop. division.

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Assets, included	pension	McAdam v. McAdam, 2009 ABQB 109	<a href="#">McAdam v. McAdam</a>	2009	QB	Mahoney		Goold, Linda	Matkovic, Matia; Allen, Carolyn			51			wife's pension currently being paid included for division. Judge determines that 1/2 belonging to husband should be returned to wife as spousal support.
Assets, included	RRSPs	McAdam v. McAdam, 2009 ABQB 109	<a href="#">McAdam v. McAdam</a>	2009	QB	Mahoney		Goold, Linda	Matkovic, Matia; Allen, Carolyn			47	Bakken v. Bakken (1992), 132 A.R. 356; Reid v. Reid (1993), 99 D.L.R. (4th) 722		money withdrawn from RRSPs and used for living expenses deemed to have been mat. prop. available for distribution. amount after taxes (and payment of condo fees) returned for division.
Date of valuation	date of trial	McAdam v. McAdam, 2009 ABQB 109	<a href="#">McAdam v. McAdam</a>	2009	QB	Mahoney		Goold, Linda	Matkovic, Matia; Allen, Carolyn			16	Mazurenko v. Mazurenko (1981), 30 A.R. 34; Kazmierczak v. Kazmierczak, 2003 ABCA 227; Hodgson v. Hodgson, 2005 ABCA 13		judge notes that MPA does not specify a date of valuation but cites 3 precedential cases establishing date at trial.
Debts, excluded	post separation debt	McAdam v. McAdam, 2009 ABQB 109	<a href="#">McAdam v. McAdam</a>	2009	QB	Mahoney		Goold, Linda	Matkovic, Matia; Allen, Carolyn			57	Kazmierczak v. Kazmierczak 2001 ABQB 610	Milne v. Milne, 2009 ABQB 361	debts acquired after separation excluded from property division.



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Occupation Rent		McAdam v. McAdam, 2009 ABQB 109	<a href="#">McAdam v. McAdam</a>	2009	QB	Mahoney		Goold, Linda	Matkovic, Matia; Allen, Carolyn			42	Spicer v. Spicer 1985 CanLII 839 (BC C.A.)		Judge states that husband was not "driven from home" and therefore does not grant claim.
Relationship b/w MPA and other acts, orders	spousal support order	McAdam v. McAdam, 2009 ABQB 109	<a href="#">McAdam v. McAdam</a>	2009	QB	Mahoney		Goold, Linda	Matkovic, Matia; Allen, Carolyn			52			wife's pension currently being paid included for division. Judge determines that 1/2 belonging to husband should be returned to wife as spousal support.
s. 7(3)(a) tracing		McAdam v. McAdam, 2009 ABQB 109	<a href="#">McAdam v. McAdam</a>	2009	QB	Mahoney		Goold, Linda	Matkovic, Matia; Allen, Carolyn		7(3)(a)	27	Harrower v. Harrower (1989), 97 A.R. 141; Busenius v. Busenius, 2006 ABQB 162		Judge states exempt assets must be traced to an identifiable asset or tracing not possible.
s. 8 factors	no priority to factors	McAdam v. McAdam, 2009 ABQB 109	<a href="#">McAdam v. McAdam</a>	2009	QB	Mahoney		Goold, Linda	Matkovic, Matia; Allen, Carolyn		8	16	Hodgson v. Hodgson, 2005 ABCA 13		no priority to factors.
s. 8(l) dissipation of property	gambling	McAdam v. McAdam, 2009 ABQB 109	<a href="#">McAdam v. McAdam</a>	2009	QB	Mahoney		Goold, Linda	Matkovic, Matia; Allen, Carolyn		8(l)	34	Metz v. Metz, 2004 ABQB 528		In this excellently rendered decision clearly laying out the current law on the MPA, judge states wife's gambling <i>during marriage</i> was tacitly condoned by husband and does not constitute dissipation.

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Strength of s. 7(4) presumption		McAdam v. McAdam, 2009 ABQB 109	<a href="#">McAdam v. McAdam</a>	2009	QB	Mahoney		Goold, Linda	Matkovic, Matia; Allen, Carolyn		7(4)	15, 18			Judge states the the presumption of equal division.
Assets, excluded	Consulting practice	McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M			56			judge states that it is too speculative to include.
Assets, excluded	interim costs	McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M			135	McDonald v. McDonald, 1998 ABCA 241		judge classifies 2 \$20,000 as costs not property. States husband had greater control and access to finances.
Assets, included	pension	McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M			51			Husband argues that date of separation should be used, since his salary went up significantly post-separation. Judge rejects, states that wife contributed to his success and should share in it.
Conduct and the MPA		McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M			30, 32	Low v. Robinson, 2000 ABQB 60	Nuttall v. Rea, 2005 ABQB 151	Husband argues that an informal agreement existed in marriage that if wife's affair did not end, she would get nothing. Rejected. Judge states that without a link to financial consequence, conduct not relevant.

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Corporate assets	"Lifting the corporate veil"	McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M			168			judge grants exemption for amount of inheritance husband gave up upon exercising option to purchase. Says husband's exemption was "sweat equity."
Date of division	date of trial	McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M			36	Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113		Judge states that Mazurenko is the rule.
Debts, excluded	future disposition costs	McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M			126	Cador v. Chichak, [2000] ABCA 10; Laskosky v. Laskosky, [1999] ABQB 78		judge refuses to allow as being impossible to quantify
Debts, excluded	future tax and sale costs	McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M			112-14			Judge disallows tax of speculative sale of properties held by corporation.
Debts, excluded	legal fees	McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M			83			legal fees excluded because they have not crystalized at time of trial.
Debts, included	taxes	McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M			120			judge values RRSPs on date of mandatory retirement from firm.

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Debts, included	taxes	McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M			144		Rooney v. Wingham, 2007 ABCA 188	post-separation tax debt may be included in matrimonial debt where income insufficient to meet expenses.
Debts, included	taxes, sale costs	McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M			100	Sengmueller v. Sengmueller 1994 CanLII 8711 (ON C.A.);		Notional tax and sale costs included based on projected "winding up" of corporation
Method of valuation	hindsight valuation of property	McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M			158	Campbell, Ian R., The Valuation of Business Interests (Toronto: Canadian Institute of Chartered Accountants, 2001)		judge discusses difficulty of valued assets in hindsight. Values by amount of estate husband gave up in electing to purchase property, termed "original value."
Property interest	trust fund	McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M			80			Judge states that trust fund set up to pay for spousal support has taken on character of matrimonial property and may be included for distribution

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s. 36(2)(a) presumption of joint ownership	tracing	McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M		36(1)	159-60			property traceable to corporation given exemption for amount husband gave up in inheritance at time he exercised option. Property traceable to matrimonial funds given half exemption based on s. 36(1).
s. 7(3)(a) tracing	inheritance	McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M		7(3)(a)	159-60			property traceable to corporation given exemption for amount husband gave up in inheritance at time he exercised option. Property traceable to matrimonial funds given half exemption based on s. 36(1).
s. 8(a) contribution to marriage and family		McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M		8(a)	27			8(a) used to reinforce s. 7(4) presumption. Judge also notes ss. 8(b) and 8(c) in passing.
s. 8(h) gifts and transfers to 3 <sup>rd</sup> parties		McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M		8(h)	63			Investment in corporation post-separation held to be dissipation by husband. Wife given 1/2 total of both husband's interest and interest gifted to children and adult friend.
s. 8(k) potential tax liability		McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M		8(k)	98	Sengmueller v. Sengmueller 1994 CanLII 8711 (ON C.A.);		Judge states Act does not limit tax liability to that required to make an equalization payment.

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s. 8(l) dissipation of property	interim distribution	McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M		8(l)	139			judge finds ispending of interim distribution to wife didn't constitute dissipation and was used to pay legal fees.
s. 8(l) dissipation of property	legal fees	McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M		8(l)	144-46			judge fails to find dissipation re husband's greater legal fees. States that since he controlled greater share of assets, higher legal fees likely.
s. 8(l) dissipation of property	shareholder loan account	McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M		8(l)	142			judge states intent required for a finding of dissipation.
s. 8(l) dissipation of property		McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M		8(l)	61			Investment in corporation post-separation held to be dissipation by husband. Wife given 1/2 total of both husband's interest and interest gifted to children and adult friend.
Strength of s. 7(4) presumption		McCulloch v. McCulloch, 2003 ABQB 432	<a href="#">McCulloch v. McCulloch</a>	2003	QB	Smith		Pieschel, William	Ares, Louise M		7(4)	33			Judge states that nothing in s. 8 would cause displacement from s. 7(4) presumption. N.B. This logic is backwards from wording of s. 7(4).
Analytical framework		McIntosh v. McIntosh, 2010 ABQB 168	<a href="#">McIntosh v. McIntosh</a>	2010	QB	Sanderman		Pollock, Michael	Ares, Louise M				Jensen v. Jensen, 2009 ABCA 272		judge reviews Jensen as current statement on MPA.

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Purpose of the MPA		McIntosh v. McIntosh, 2010 ABQB 168	<a href="#">McIntosh v. McIntosh</a>	2010	QB	Sanderman		Pollock, Michael	Ares, Louise M				Jensen v. Jensen, 2009 ABCA 272		"Marriage creates legal and moral obligations between the parties. The courts and the Matrimonial Property Act view matrimony as a social and economic partnership. No template exists that can adequately govern all marital relationships. "
s. 37 contracting out	settlement agreement	McIntosh v. McIntosh, 2010 ABQB 168	<a href="#">McIntosh v. McIntosh</a>	2010	QB	Sanderman		Pollock, Michael	Ares, Louise M		37	45			legal kit purchased at Staples does not pass requirements of s. 38.
s. 38 formalities		McIntosh v. McIntosh, 2010 ABQB 168	<a href="#">McIntosh v. McIntosh</a>	2010	QB	Sanderman		Pollock, Michael	Ares, Louise M		38	45			legal kit purchased at Staples does not pass requirements of s. 38.
s. 8(a) contribution to marriage and family		McIntosh v. McIntosh, 2010 ABQB 168	<a href="#">McIntosh v. McIntosh</a>	2010	QB	Sanderman		Pollock, Michael	Ares, Louise M		8(a)	48			wife found to have made greater contribution to marriage.
s. 8(c) contribution to property		McIntosh v. McIntosh, 2010 ABQB 168	<a href="#">McIntosh v. McIntosh</a>	2010	QB	Sanderman		Pollock, Michael	Ares, Louise M		8(c)	50			wife found to have made greater contribution to property

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s. 8(d) income, earning capacity, liabilities, obligations, other resources		McIntosh v. McIntosh, 2010 ABQB 168	<a href="#">McIntosh v. McIntosh</a>	2010	QB	Sanderman		Pollock, Michael	Ares, Louise M		8(d)	51			"Her innate ability in handling finances appears to be vastly superior to his."
s. 8(e) duration of marriage	short	McIntosh v. McIntosh, 2010 ABQB 168	<a href="#">McIntosh v. McIntosh</a>	2010	QB	Sanderman		Pollock, Michael	Ares, Louise M		8(e)	52			marriage of short duration.
s. 8(g) oral or written agreements		McIntosh v. McIntosh, 2010 ABQB 168	<a href="#">McIntosh v. McIntosh</a>	2010	QB	Sanderman		Pollock, Michael	Ares, Louise M		8(g)	53			judge willing to consider legal kit purchased at Staples among s. 8 factors.
s. 8(m) other	inflation	McIntosh v. McIntosh, 2010 ABQB 168	<a href="#">McIntosh v. McIntosh</a>	2010	QB	Sanderman		Pollock, Michael	Ares, Louise M		8(m)	55			judge states that huge increases in housing values a consideration.
Strength of s. 7(4) presumption		McIntosh v. McIntosh, 2010 ABQB 168	<a href="#">McIntosh v. McIntosh</a>	2010	QB	Sanderman		Pollock, Michael	Ares, Louise M		7(4)	56, 63			Rebutted. Judge deducts wife's improvements to house and mortgage payments since separation then divides remaining equity equally.
Assets, excluded	dividend	McKay v. McKay 2004 ABQB 974	<a href="#">McKay v. McKay</a>	2004	QB	Clarke		Pollock, Leonard	Viccars, Thomas			9			judge determines dividend payment by company to be salary, not assets. Therefore, not matrimonial property.



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Assets, exempt	equipment	McKee v. McKee, 2006 ABQB 196	<a href="#">McKee v. McKee</a>	2006	QB	Binder		Glass, James	Adair, Brian			23			value of farm equipment owned at time of marriage exempt from distribution.
Debts, included	property damage	McKee v. McKee, 2006 ABQB 196	<a href="#">McKee v. McKee</a>	2006	QB	Binder		Glass, James	Adair, Brian			20			wife's failure to repair water leak is held to be her responsibility alone.
Occupation Rent		McKee v. McKee, 2006 ABQB 196	<a href="#">McKee v. McKee</a>	2006	QB	Binder		Glass, James	Adair, Brian			22	Kazmierczak v. Kazmierczak 2001 ABQB 610		children residing with mother in mat. home. Claim by husband for occupation rent denied.
s. 36(2)(a) presumption of joint ownership	tracing	McKee v. McKee, 2006 ABQB 196	<a href="#">McKee v. McKee</a>	2006	QB	Binder		Glass, James	Adair, Brian		36(1)	15-16	Stewart v. Stewart (1992), 130 A.R. 293 (Q.B.)		gift from grandmother placed in joint names given 1/2 exemption
Assets, exempt	goodwill	McKenzie v. McKenzie, 2005 ABQB 232	<a href="#">McKenzie v. McKenzie</a>	2005	QB	Verville		self	McCrae, John			66			husband's corporate goodwill exempted
Constructive or resulting trusts	resulting trust	McKenzie v. McKenzie, 2005 ABQB 232	<a href="#">McKenzie v. McKenzie</a>	2005	QB	Verville		self	McCrae, John			35	Re Roberts Estate 1996 CanLII 8264; Niles v. Lake, 1947 CanLII 5 (S.C.C.)		Wife's parents argued that husband gifted property to them by placing them on title. Judge states that they were merely holding property in trust for husband and wife.

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Corporate assets	"Lifting the corporate veil"	McKenzie v. McKenzie, 2005 ABQB 232	<a href="#">McKenzie v. McKenzie</a>	2005	QB	Verville		self	McCrae, John			57			company incorporated but treated as a single proprietorship. Amount prior to marriage exempt. All increase occurring during marriage is divided equally.
Corporate assets	goodwill	McKenzie v. McKenzie, 2005 ABQB 232	<a href="#">McKenzie v. McKenzie</a>	2005	QB	Verville		self	McCrae, John			66			husband's corporate goodwill exempted
Date of valuation	date of trial	McKenzie v. McKenzie, 2005 ABQB 232	<a href="#">McKenzie v. McKenzie</a>	2005	QB	Verville		self	McCrae, John			45	Hodgson v. Hodgson, 2005 ABCA 13		
Occupation Rent		McKenzie v. McKenzie, 2005 ABQB 232	<a href="#">McKenzie v. McKenzie</a>	2005	QB	Verville		self	McCrae, John			79			wife claims occupation rent as an alternative to spousal support. Refused.
Pre-judgment interest		McKenzie v. McKenzie, 2005 ABQB 232	<a href="#">McKenzie v. McKenzie</a>	2005	QB	Verville		self	McCrae, John			81			judge declines to award pre-judgment interest since wife had enjoyed increase as a result of advance equalization payment
Debts, included		Mesmar v. Mesmar, 2009 ABQB 32	<a href="#">Mesmar v. Mesmar</a>	2009	QB	Veit		self	Mishna, Brooks			58	Carmichael v Carmichael 2007 ABCA 3		Judge states that Carmichael stands for the principle that debts may be divided where there are no net assets.

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Analytical framework		Metz v. Metz, 2004 ABQB 528	<a href="#">Metz v. Metz</a>	2004	QB	Mahoney		Hryniuk, Peter	Castle, D.			44			judge totals up assets and liabilities, then divides evenly.
Date of valuation	other	Metz v. Metz, 2004 ABQB 528	<a href="#">Metz v. Metz</a>	2004	QB	Mahoney		Hryniuk, Peter	Castle, D.			49			judge sets valuation date of RRSPs at date in wife's brief - 6 mos. prior to trial. Comments that moving date forward would complicate matters.
Distribution of assets	method of distribution	Metz v. Metz, 2004 ABQB 528	<a href="#">Metz v. Metz</a>	2004	QB	Mahoney		Hryniuk, Peter	Castle, D.			48			judge suggests method of distribution as transfer of husband's interest in property but states he cannot order it, per Divorce Act.
judicial discretion		Metz v. Metz, 2004 ABQB 528	<a href="#">Metz v. Metz</a>	2004	QB	Mahoney		Hryniuk, Peter	Castle, D.			41	Dwelle v. Dwelle (1982), 31 R.F.L. 14 (2d) 113 (Alta.C.A.)		praises role of judicial discretion in determining s. 8 factors
Purpose of the MPA		Metz v. Metz, 2004 ABQB 528	<a href="#">Metz v. Metz</a>	2004	QB	Mahoney		Hryniuk, Peter	Castle, Diann			40	LeBlanc v. LeBlanc, [1988] 1 S.C.R. 217		Purpose is to recognize that couple act as a single economic unit while married.

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Issue	Subissue	Case+cite	pdf	Year	Ct	Judge	Other judges	H's lawyer	W's lawyer	Other proceedings	Sec.	Para.	Cases relied upon	Cases relying upon	Notes/facts
s. 8(l) dissipation of property		Metz v. Metz, 2004 ABQB 528	<a href="#">Metz v. Metz</a>	2004	QB	Mahoney		Hryniuk, Peter	Castle, D.		8(l)	37	Leonard Pollock, Q.C., "The Factors in Section 8(l)" in Matrimonial Property Law in Canada	Nuttall v. Rea, 2005 ABQB 151; Wright-Watts v. Watts, 2005 ABQB 708; Katrib v. Katrib, 2007 ABQB 626; Nasin v. Nasin, 2008 ABQB 219; McAdam v. McAdam, 2009 ABQB 109; Beaudry v. Beaudry, 2010 ABQB 119	judge states bad faith or neglect is necessary for a finding of dissipation, does not find it here.
Strength of s. 7(4) presumption		Metz v. Metz, 2004 ABQB 528	<a href="#">Metz v. Metz</a>	2004	QB	Mahoney		Hryniuk, Peter	Castle, D.		7(4)	42	Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113		judge bolds section of Mazurenko emphasizing presumption of equal division.
Assets, excluded	foreign property	Meyer v. Mayer, 2006 ABQB 112	<a href="#">Meyer v. Mayer</a>	2006	QB	Kenny		Forsyth-Nicholson, R.	Soby, J.C.			15			speculative claim for property in Germany as part of post-WWII restitution ruled to offset claimed loan from brother
Corporate assets	"Lifting the corporate veil"	Meyer v. Mayer, 2006 ABQB 112	<a href="#">Meyer v. Mayer</a>	2006	QB	Kenny		Forsyth-Nicholson, R.	Soby, J.C.			18			judge states it is impossible to distinguish corp from husband

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Corporate assets valuation	asset-based approach	Meyer v. Mayer, 2006 ABQB 112	<a href="#">Meyer v. Mayer</a>	2006	QB	Kenny		Forsyth-Nicholson, R.	Soby, J.C.			20			expert states value of business is primarily value of land. Land held in corp's name, value discounted for tax consequences of sale
Debts, excluded	loans from family	Meyer v. Mayer, 2006 ABQB 112	<a href="#">Meyer v. Mayer</a>	2006	QB	Kenny		Forsyth-Nicholson, R.	Soby, J.C.			6, 11			judge disputes likelihood that husband will repay "loans" received from brother. No evidence that payment has been made on them.
Debts, included	post separation debt	Meyer v. Mayer, 2006 ABQB 112	<a href="#">Meyer v. Mayer</a>	2006	QB	Kenny		Forsyth-Nicholson, R.	Soby, J.C.			24-26			judge accepts large amount of husband's debt as living expenses. Does not consider dissipation.
s. 38 formalities		Miles v. Miles, 2003 ABQB 688	<a href="#">Miles v. Miles</a>	2003	QB	Verville		Smith, Jeffrey L.	Baker, Geoffrey D.		38	50	Corbeil v. Bebris (1993), 141 A.R. 215; Jang v. Jang 2000 ABQB 607 (CanLII); Botros v. Botros, [2002] A.J. No. 1500; Kowalski v. Kowalski, [2002] A.J. No. 1371	Voll v. Voll, 2008 ABQB 89	agreement held to be merely an offer. In the alternative, its failure to comply with s. 38 formalities rendered agreement unenforceable.

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Property interest	bankruptcy	Miller v. Miller, 2000 ABQB 24	<a href="#">Miller v. Miller</a>	2000	QB	Nash		Elander, Roy W.	Davies, Kathleen E.			16		Coulthard (Bankrupt) (Re), 2003 ABQB 976	spouse did not automatically receive property interest.
Relationship b/w MPA and other acts, orders	BIA	Miller v. Miller, 2000 ABQB 24	<a href="#">Miller v. Miller</a>	2000	QB	Nash		Elander, Roy W.	Davies, Kathleen E.			16		Coulthard (Bankrupt) (Re), 2003 ABQB 976	Property given to Trustee in Bankruptcy over distribution to spouse. Spouse argued that order not to divest MP meant that it could not go to Trustee.
Debts, excluded	interest	Miller v. Miller, 2004 ABCA 257 a.k.a. M.(D.G.) v. M.(K.M.)	<a href="#">Miller v. Miller</a>	2004	CA	Berger	Russell, Whittman	Ares, Louise M	Stothert-Kennedy, B.L.	affmg. M.(D.G.) v. M.(K.M.), 2002 ABQB 225		26	Dwelle v. Dwelle (1983), 46 A.R. 1 (C.A.)		court declines to overturn judge's decision not to include interest in division of assets.
income producing assets	employment bonus	Miller v. Miller, 2004 ABCA 257 a.k.a. M.(D.G.) v. M.(K.M.)	<a href="#">Miller v. Miller</a>	2004	CA	Berger	Russell, Whittman	Ares, Louise M	Stothert-Kennedy, B.L.	affmg. M.(D.G.) v. M.(K.M.), 2002 ABQB 225		29		C.(D.B.) v. W.(R.M.), 2004 ABQB 954	court states that status of bonus as asset or income depends on whether it has been received prior to separation.
judicial discretion		Miller v. Miller, 2004 ABCA 257 a.k.a. M.(D.G.) v. M.(K.M.)	<a href="#">Miller v. Miller</a>	2004	CA	Berger	Russell, Whittman	Ares, Louise M	Stothert-Kennedy, B.L.	affmg. M.(D.G.) v. M.(K.M.), 2002 ABQB 225		25	Dwelle v. Dwelle (1983), 46 A.R. 1 (C.A.)		MPA held to give wide discretion to judges and to call for intervention only in cases of clear error

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Property interest	beneficial interest	Miller v. Miller, 2004 ABCA 257 a.k.a. M.(D.G.) v. M.(K.M.)	<a href="#">Miller v. Miller</a>	2004	CA	Berger	Russell, Whittman	Ares, Louise M	Stothert-Kennedy, B.L.	affmg. M.(D.G.) v. M.(K.M.), 2002 ABQB 225		18			CA upholds trial judge's determination that husband retained beneficial interest in shares. Change in status from legal to beneficial did not change quality of exemption.
s. 7(3)(a) tracing	shares	Miller v. Miller, 2004 ABCA 257 a.k.a. M.(D.G.) v. M.(K.M.)	<a href="#">Miller v. Miller</a>	2004	CA	Berger	Russell, Whittman	Ares, Louise M	Stothert-Kennedy, B.L.	affmg. M.(D.G.) v. M.(K.M.), 2002 ABQB 225	7(3)(a)	16	Jackson v. Jackson (1989), 97 A.R. 153; Brokopp v. Brokopp (1996), 181 A.R. 91; Roenisch v. Roenisch (1991), 115 A.R. 255; Harrower v. Harrower (1989), 97 A.R. 141; Hughes v. Hughes 1998 ABCA 409	Felker v. Felker, 2005 ABQB 365; Wright-Watts v. Watts, 2005 ABQB 708	Beneficial interest in shares sufficient to establish tracing

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s. 8(g) oral or written agreements		Miller v. Miller, 2004 ABCA 257 a.k.a. M.(D.G.) v. M.(K.M.)	<a href="#">Miller v. Miller</a>	2004	CA	Berger	Russell, Whittman	Ares, Louise M	Stothert-Kennedy, B.L.	affing. M.(D.G.) v. M.(K.M.), 2002 ABQB 225	8(g)	24		Walker v. Walker, 2009 ABQB 209	Court states that a judge is not bound by specific terms of a s. 8(g) agreement but may consider it in context of the relationship between the parties.
Occupation Rent		Milne v. Milne, 2007 ABQB 641	<a href="#">Milne v. Milne</a>	2007	QB	Veit		self	Snyder, Thomas	2008 ABQB 270		118			judge denies claim for occupation rent but credits husband with 1/2 mortgage payments made while separated.
s. 36(2)(a) presumption of joint ownership	tracing	Milne v. Milne, 2007 ABQB 641	<a href="#">Milne v. Milne</a>	2007	QB	Veit		self	Snyder, Thomas	2008 ABQB 270	36(1)	94	Quigg v Quigg [1993] A.J. 488 (C.A.)		judge rules transfer of joint property was a gift and reduces exemption by 1/2.
s. 7(3) property	jewellery	Milne v. Milne, 2007 ABQB 641	<a href="#">Milne v. Milne</a>	2007	QB	Veit		self	Snyder, Thomas	2008 ABQB 270	7(3)	125	P.(T.L.) v. P.(F.J.) [2007] A.J. No. 1114; Ross v Ross [2007] A.J. No. 2196		jewellery presumed to have been gifted. Each party permitted to keep own jewellery
s. 7(3) property		Milne v. Milne, 2007 ABQB 641	<a href="#">Milne v. Milne</a>	2007	QB	Veit		self	Snyder, Thomas	2008 ABQB 270	7(3)	16, 107			Judge states that s. 7(3) property acquired shortly before marriage did not arise independently of the marriage and therefore should be treated like 7(4) property and distributed equally.
Assets, excluded	cattle	Milne v. Milne, 2009 ABQB 361	<a href="#">Milne v. Milne</a>	2009	QB	Acton		Morck, Janet	self			90			judge states it is not possible to distinguish wife's cows from her father's. Does not find dissipation.



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Assets, excluded	RESP	Milne v. Milne, 2009 ABQB 361	<a href="#">Milne v. Milne</a>	2009	QB	Acton		Morck, Janet	self			60			RESP money excluded from distribution. However, judge states that if wife cashes them in before, 65% of money will go to husband.
Assets, excluded	surface lease payments	Milne v. Milne, 2009 ABQB 361	<a href="#">Milne v. Milne</a>	2009	QB	Acton		Morck, Janet	self			58			wife argues surface leases entered into after separation constitute s. 7(2) property as "settlement in damages in favour of one spouse" and are exempt. Judge rejects but only includes amount held in trust as remainder was not argued. However, they are a consideration in division of assets.
Debts, excluded	post separation debt	Milne v. Milne, 2009 ABQB 361	<a href="#">Milne v. Milne</a>	2009	QB	Acton		Morck, Janet	self			93	S.(E.) v. S.(J.S.), 2007 ABQB 321		judge includes wife's post separation debt then states that it is the responsibility of the wife alone.
Debts, included	post separation debt	Milne v. Milne, 2009 ABQB 361	<a href="#">Milne v. Milne</a>	2009	QB	Acton		Morck, Janet	self			71	McAdam v. McAdam, 2009 ABQB 109		Judge cites precedent for excluding post separation debt, then determines that since amount of debt at separation is unknown, wife's debts are to be included.
Occupation Rent		Milne v. Milne, 2009 ABQB 361	<a href="#">Milne v. Milne</a>	2009	QB	Acton		Morck, Janet	self			84	Kazmierczak v. Kazmierczak 2001 ABQB 610		husband seeks occupation rent. Rejected: wife in occupation with children, wife paying mortgage. However, judge notes claim for spousal support may be a factor.

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Strength of s. 7(4) presumption		Milne v. Milne, 2009 ABQB 361	<a href="#">Milne v. Milne</a>	2009	QB	Acton		Morck, Janet	self		7(4)	96			judge awards unequal division based on revenue received by wife after separation.
Property interest	joint tenancy	Minaei v. Brae Centre Ltd., 2004 ABQB 597	<a href="#">Minaei v. Brae Centre Ltd.</a>	2004	QB	Kent		self	Matkovic, Matia; Colborne, Daniel			30			severance of joint tenancy during a matrimonial property dispute may not result in equal division of matrimonial home. Dependent on resolution of mat. prop. analysis using ss. 7 and 8. Creditors must wait until resolution of dispute to determine share.
Relationship b/w MPA and other acts, orders	LTA	Minaei v. Brae Centre Ltd., 2004 ABQB 597	<a href="#">Minaei v. Brae Centre Ltd.</a>	2004	QB	Kent		self	Matkovic, Matia; Colborne, Daniel			19, 20, 391	Holt Renfrew & Co. v. Henry Singer Ltd. et al reflex, (1982), 135 D.L.R. (3d)		Caveat filed by creditors trumps wife's uncaveated interest and orders by judge attaching payment of child support arrears to sale of house.
s. 35 certificate of lis pendens		Minaei v. Brae Centre Ltd., 2004 ABQB 597	<a href="#">Minaei v. Brae Centre Ltd.</a>	2004	QB	Kent		self	Matkovic, Matia; Colborne, Daniel		35	19		Barnes v. Barnes, 2006 ABQB 855	MPA does not trump filing of caveat by creditors if spouse has failed to file a lis pendens.
Costs		Mitrovic v. Mitrovic, 2007 ABQB 107	<a href="#">Mitrovic v. Mitrovic</a>	2007	QB	Veit		Patterson, David	Cochard, Renee	2007 ABQB 44		8	Broda v. Broda 2003 ABQB 257	Gardner v. Gardner, 2008 ABQB 750	Test for costs in mat prop matters is substantial success, not absolute success.

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Assets, included	foreign property	Mitrovic v. Mitrovic, 2007 ABQB 44	<a href="#">Mitrovic v. Mitrovic</a>	2007	QB	Veit		Patterson, David	Cochard, Renee	2007 ABQB 107		26		P.(T.L.) v. P.(F.J.), 2007 ABQB 600	judge states that mother's home purchased by husband is s. 7(4) property because it was purchased subsequent to marriage. Notes that jurisdiction over the parties gives him jurisdiction over the property
Corporate assets valuation	double dipping	Mitrovic v. Mitrovic, 2007 ABQB 44	<a href="#">Mitrovic v. Mitrovic</a>	2007	QB	Veit		Patterson, David	Cochard, Renee	2007 ABQB 107		43			loan from brother not included. Seen as distribution of corporate assets, cannot be counted twice.
Corporate assets valuation		Mitrovic v. Mitrovic, 2007 ABQB 44	<a href="#">Mitrovic v. Mitrovic</a>	2007	QB	Veit		Patterson, David	Cochard, Renee	2007 ABQB 107		37			failure to provide financial statement results in adverse inference against husband re value of corp.
Debts, excluded	taxes	Mitrovic v. Mitrovic, 2007 ABQB 44	<a href="#">Mitrovic v. Mitrovic</a>	2007	QB	Veit		Patterson, David	Cochard, Renee	2007 ABQB 107		44		Daved v. Daved, 2010 ABQB 447	potential tax on mat. home excluded in absence of evidence that sale is forthcoming.
Equity – fit w/ MPA		Mitrovic v. Mitrovic, 2007 ABQB 44	<a href="#">Mitrovic v. Mitrovic</a>	2007	QB	Veit		Patterson, David	Cochard, Renee	2007 ABQB 107		23	Duke v. Andler, 1932 CanLII 32; J.G. MacLeod, The Conflicts of Laws Calgary: Carswell, 1983		sister's beneficial interest in Croatian property prevents it being sold.

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s. 7(3)(a) tracing	foreign funds	Mitrovic v. Mitrovic, 2007 ABQB 44	<a href="#">Mitrovic v. Mitrovic</a>	2007	QB	Veit		Patterson, David	Cochard, Renee	2007 ABQB 107	7(3)(a)	28			husband unable to establish amount of money brought from Croatia. Therefore property assumed to have entered mat. regime.
s. 7(3)(a) tracing	personal injury settlement	Mitrovic v. Mitrovic, 2007 ABQB 44	<a href="#">Mitrovic v. Mitrovic</a>	2007	QB	Veit		Patterson, David	Cochard, Renee	2007 ABQB 107	7(3)(a)	29			husband unable to trace funds. Therefore, deemed to have entered mat. regime
s. 8(k) potential tax liability		Mitrovic v. Mitrovic, 2007 ABQB 44	<a href="#">Mitrovic v. Mitrovic</a>	2007	QB	Veit		Patterson, David	Cochard, Renee	2007 ABQB 107	8(k)	38			lack of evidence that corp. will be dissolved. Therefore, no discount for tax liability
s. 8(l) dissipation of property		Mitrovic v. Mitrovic, 2007 ABQB 44	<a href="#">Mitrovic v. Mitrovic</a>	2007	QB	Veit		Patterson, David	Cochard, Renee	2007 ABQB 107	8(l)	34			interest in B.C. property too minimal to constituted dissipation.
Relationship b/w MPA and other acts, orders	BIA	Moore (Bankrupt) (Re), 2006 ABQB 581	<a href="#">Moore (Bankrupt) (Re)</a>	2006	QB	Laycock		Rath, Raymond	Thorsteinson, Wilton				Lecerf v. Lecerf (2004) 2 C.B.R. (5th) 260; Tinant v. Tinant, 2003 ABCA 211		bankrupt's rights under MPA are property under the BIA
Relationship b/w MPA and other acts, orders	BIA	Moore (Bankrupt) (Re), 2006 ABQB 581	<a href="#">Moore (Bankrupt) (Re)</a>	2006	QB	Laycock		Rath, Raymond	Thorsteinson, Wilton			11 16	Gibson (Re) 2005 ABQB		Trustee in Bankruptcy has right to intervene in MPA action to protect creditor's rights.

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s. 37 contracting out	failure to disclose	Moore v. Moore, 2000 ABCA 102	<a href="#">Moore v. Moore</a>	2000	CA	Berger	McFayden, Fruman	Wise, J.	McMurchie, L.J.	previous judgment by Phillips, J. is not in a database	37	11		Souder v. Wereschuk, 2003 ABQB 258; Brown v. Silvera, 2009 ABQB 523	wife awarded damages equal to proper MPA claim
Property interest	beneficial interest	Moreau v. Moreau, 2004 ABQB 660	<a href="#">Moreau v. Moreau</a>	2004	QB	Veit		Seifner, Gerhard	Davies, Kathleen				Bergman v Bergman [2004] A.J. 4 No. 783		judge unable to make distribution of matrimonial home because it is co-owned with husband's parents. Spouses only able to register a charge against each other's interests.
s. 10 return of gift or property		Morris v. Morris, 2006 ABQB 915	<a href="#">Morris v. Morris</a>	2006	QB	Veit		Snow, Debra	Woods, Roger S.		10	14			Sets out test for adding a litigant: 1. apply for an order requesting return of property; 2. person receiving notice deemed a litigant. Onus on that person to remove themselves as a litigant.
Standing	3rd party	Morris v. Morris, 2006 ABQB 915	<a href="#">Morris v. Morris</a>	2006	QB	Veit		Snow, Debra	Woods, Roger S.				19		3rd party added to proceedings after having been gifted \$50,000 by husband.
Assets, included	RRSPs	Morton v. Morton, 2008 ABCA 144	<a href="#">Morton v. Morton</a>	2008	CA	Coté, Ritter, Watson		Sadownik, Rostyk	Topp, Brooks	affmg. 2007 ABQB 240			13		husband argues RRSP withdrawals were double counted as income and asset, or alternatively, were converted into another asset so were double counted as assets. Court finds no error

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Standard of review		Morton v. Morton, 2008 ABCA 144	<a href="#">Morton v. Morton</a>	2008	CA	Coté, Ritter, Watson		Sadownik, Rostyk	Topp, Brooks	affing. 2007 ABQB 240			Abbott v. Abbott, 2006 ABCA 204	Jensen v. Jensen, 2009 ABCA 272	must involve either misdirection or be so clearly wrong as to amount to injustice
Division of assets	by asset	N.(T.A.) v. N.(R.G.), 2003 ABQB 920	<a href="#">N.(T.A.) v. N.(R.G.)</a>	2003	QB	Lee		Stothert-Kennedy, Brenda L.	Bubel, Lydia	2004 ABQB 583; 2004 ABQB 48; 2003 ABQB 988 8; 2003 ABQB 816; 2003 ABQB 811		37			judge trades off husband's claim for "equity preservation" against wife's claim for occupation rent.
Method of valuation	McAllister formula	N.(T.A.) v. N.(R.G.), 2003 ABQB 920	<a href="#">N.(T.A.) v. N.(R.G.)</a>	2004	QB	Lee		Stothert-Kennedy, Brenda L.	Schaffter, Jackqueline	2004 ABQB 583; 2004 ABQB 48; 2003 ABQB 988 8; 2003 ABQB 816; 2003 ABQB 811		34			McAllister formula used to divide pension
Occupation Rent		N.(T.A.) v. N.(R.G.), 2003 ABQB 920	<a href="#">N.(T.A.) v. N.(R.G.)</a>	2003	QB	Lee		Stothert-Kennedy, Brenda L.	Bubel, Lydia	2004 ABQB 583; 2004 ABQB 48; 2003 ABQB 988 8; 2003 ABQB 816; 2003 ABQB 811		37			judge trades off husband's claim for "equity preservation" against wife's claim for occupation rent.
s. 36(2)(a) presumption of joint ownership	tracing	N.(T.A.) v. N.(R.G.), 2003 ABQB 920	<a href="#">N.(T.A.) v. N.(R.G.)</a>	2003	QB	Lee		Stothert-Kennedy, Brenda L.	Bubel, Lydia	2004 ABQB 583; 2004 ABQB 48; 2003 ABQB 988 8; 2003 ABQB 816; 2003 ABQB 811	36(1)	31	Jackson v. Jackson (1989), 97 A.R. 153		half of traced amount given to wife

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s. 8(l) dissipation of property		N.(T.A.) v. N.(R.G.), 2003 ABQB 920	<a href="#">N.(T.A.) v. N.(R.G.)</a>	2003	QB	Lee		Stothert-Kennedy, Brenda L.	Bubel, Lydia	2004 ABQB 583; 2004 ABQB 48; 2003 ABQB 988 8; 2003 ABQB 816; 2003 ABQB 811	8(l)	39			deregistered RRSP held to have flowed into general funds and not dissipated.
Analytical framework		Nasin v. Nasin, 2008 ABQB 219	<a href="#">Nasin v. Nasin</a>	2008	QB	Moen		Patterson, David	Smith, Richard			26	Hodgson v. Hodgson, 2005 ABCA 13		Judge states that for properties not valued at date of trial, she will attempt to find an appropriate division.
Assets, excluded	stock options	Nasin v. Nasin, 2008 ABQB 219	<a href="#">Nasin v. Nasin</a>	2008	QB	Moen		Patterson, David	Smith, Richard			45	Harrower v. Harrower, [1989] A.J. No. 629; Stewart v. Stewart, [1992] A.J. No. 531		stock options held not to be divisible property.
Assets, included	furnishings	Nasin v. Nasin, 2008 ABQB 219	<a href="#">Nasin v. Nasin</a>	2008	QB	Moen		Patterson, David	Smith, Richard			51			judge values furnishings for purposes of division under 7(4)
Assets, included	Mahr	Nasin v. Nasin, 2008 ABQB 219	<a href="#">Nasin v. Nasin</a>	2008	QB	Moen		Patterson, David	Smith, Richard			25			Husband argues that \$10,000 agreed to be paid in case of failure of marriage (Mahr) is matrimonial property. Wife argues it is a separate contract. Judge hold it is a separate contract but is unenforceable.

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Issue	Subissue	Case+cite	pdf	Year	Ct	Judge	Other judges	H's lawyer	W's lawyer	Other proceedings	Sec.	Para.	Cases relied upon	Cases relying upon	Notes/facts
Assets, included	matrimonial home	Nasin v. Nasin, 2008 ABQB 219	<a href="#">Nasin v. Nasin</a>	2008	QB	Moen		Patterson, David	Smith, Richard			32			judge states property need not be in both names to be divisible under act.
Date of division	date of separation	Nasin v. Nasin, 2008 ABQB 219	<a href="#">Nasin v. Nasin</a>	2008	QB	Moen		Patterson, David	Smith, Richard			103, 106	W.(K.E.) v. M.(C.R.), 2005 ABQB 426	Behiels v. McCarthy, 2010 ABQB 281	judge determines it would be unfair to divide 7(3) property as of date of trial, given that it was a short term marriage. Divides equally as of date of separation.
Date of valuation	date of trial	Nasin v. Nasin, 2008 ABQB 219	<a href="#">Nasin v. Nasin</a>	2008	QB	Moen		Patterson, David	Smith, Richard			28	Hodgson v. Hodgson, 2005 ABCA 13		
Debts, excluded	wedding	Nasin v. Nasin, 2008 ABQB 219	<a href="#">Nasin v. Nasin</a>	2008	QB	Moen		Patterson, David	Smith, Richard			83			judge finds husband solely responsible for cost of wedding.
Debts, excluded	wedding gifts	Nasin v. Nasin, 2008 ABQB 219	<a href="#">Nasin v. Nasin</a>	2008	QB	Moen		Patterson, David	Smith, Richard			59			
s. 37 contracting out	Mahr	Nasin v. Nasin, 2008 ABQB 219	<a href="#">Nasin v. Nasin</a>	2008	QB	Moen		Patterson, David	Smith, Richard		37	14	Braker v. Marcovitz, [2007] S.C.J. No. 54	A.K. c. I.B., 2008 NBBR 249	Husband argues that \$10,000 agreed to be paid in case of failure of marriage (Mahr) is matrimonial property. Wife argues it is a separate contract. Judge holds it is a separate unenforceable contract
s. 38 formalities	Mahr	Nasin v. Nasin, 2008 ABQB 219	<a href="#">Nasin v. Nasin</a>	2008	QB	Moen		Patterson, David	Smith, Richard		38	23			Mahr held not to comply w/ s. 38 formalities and is unenforceable.



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s. 8(e) duration of marriage	short	Nasin v. Nasin, 2008 ABQB 219	<a href="#">Nasin v. Nasin</a>	2008	QB	Moen		Patterson, David	Smith, Richard		8(e)	103			s. 8(e) strong factor in division of 7(3) property. Short term marriage.
s. 8(l) dissipation of property	business	Nasin v. Nasin, 2008 ABQB 219	<a href="#">Nasin v. Nasin</a>	2008	QB	Moen		Patterson, David	Smith, Richard		8(l)	57	Metz v. Metz, 2004 ABQB 528; Wright-Watts v. Watts 2005 ABQB 708		business formed contemporaneously w/marriage failed to complete contracts once couples separated but loss does not constitute dissipation.
Strength of s. 7(4) presumption		Nasin v. Nasin, 2008 ABQB 219	<a href="#">Nasin v. Nasin</a>	2008	QB	Moen		Patterson, David	Smith, Richard		7(4)	109			Divides all 7(4) property equally as of date of trial
s. 37 contracting out	prenuptial agreement	Neher v. Kossowan, 2008 ABQB 366	<a href="#">Neher v. Kossowan</a>	2008	QB	Acton		Pollock, Leonard	Topp, Brooks		37	38			Ambiguity in prenuptial agreement re assets acquired during marriage from assets previously owned. Judge rules these assets are also excluded from division but divides 1/2 of fixtures purchased for new house.

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Property interest	assets seized by creditors	Nelson v. Nelson, 2001 ABQB 732	<a href="#">Nelson v. Nelson</a>	2001	QB	Lee		Becker, Kelsey L.	Bristman, Natalie	2001 ABQB 888		47	Robert A. Klotz, Bankruptcy, Insolvency and Family Law (looseleaf); Miller v. Schacher, 2000 ABQB 24	Coulthard (Bankrupt) (Re), 2003 ABQB 976; Lecerf v. Lecerf, 2004 ABQB 501; Barnes v. Barnes, 2006 ABQB 855; Bjornson v. Schacher, 2009 ABQB 84	Wife's undeclared property interest in husband's RRSPs already seized by creditors held not to retroactively vest and deprive creditors of their interest in said property.
Property interest	constructive or resulting trusts	Nelson v. Nelson, 2001 ABQB 732	<a href="#">Nelson v. Nelson</a>	2001	QB	Lee		Becker, Kelsey L.	Bristman, Natalie	2001 ABQB 888		37	Robert A. Klotz, Bankruptcy, Insolvency and Family Law (looseleaf)	Coulthard (Bankrupt) (Re), 2003 ABQB 976	judge suggests application for equitable remedy in response to failure of MPA to address problem of wife's potential interest in property seized by creditors. Suggests another option is a claim for unequal division of remaining property based on s. 8(l)
Relationship b/w MPA and other acts, orders	CEA	Nelson v. Nelson, 2001 ABQB 732	<a href="#">Nelson v. Nelson</a>	2001	QB	Lee		Becker, Kelsey L.	Bristman, Natalie	2001 ABQB 888		47	Maroukis v. Maroukis, 1984 CanLII 76 (S.C.C.)	Lecerf v. Lecerf, 2004 ABQB 501; Barnes v. Barnes, 2006 ABQB 855; Bjornson v. Schacher, 2009 ABQB 84	Wife's undeclared property interest in husband's RRSPs already seized by creditors held not to retroactively vest and deprive creditors of their interest in said property.

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s. 35 certificate of lis pendens		Nelson v. Nelson, 2001 ABQB 732	<a href="#">Nelson v. Nelson</a>	2001	QB	Lee		Becker, Kelsey L.	Bristman, Natalie	2001 ABQB 888	35	35			s. 35 extends to real property only. Judge states that security for personal property may be found through equitable remedies
Property interest	constructive or resulting trusts	Nelson v. Nelson, 2001 ABQB 888	<a href="#">Nelson v. Nelson</a>	2001	QB	Lee		Becker, Kelsey L.	Bristman, Natalie	2001 ABQB 732		37	Robert A. Klotz, Bankruptcy, Insolvency and Family Law (looseleaf)		Constructive trust argument fails. No causal connection between RRSP and detriment to wife
s. 7(3) property		Nordholt v. Nordholt, 2009 ABQB 600	<a href="#">Nordholt v. Nordholt</a>	2009	QB	Lee		Bains, Sarbit	Goldsmann, Alvin	2009 ABQB 699	7(3)	63-64			Judge states most of the assets of the marriage pre-existed marriage did not enter the matrimonial regime . Only house entered regime.
s. 8(m) other	independence	Nordholt v. Nordholt, 2009 ABQB 600	<a href="#">Nordholt v. Nordholt</a>	2009	QB	Lee		Bains, Sarbit	Goldsmann, Alvin	2009 ABQB 699	8(m)	60			Judge states most of the assets of the marriage pre-existed marriage did not enter the matrimonial regime . Only house entered regime.
Assets, exempt	disability payments	Nuttall v. Rea, 2005 ABQB 151	<a href="#">Nuttall v. Rea</a>	2005	QB	Watson		McBean, Jean	Zwaneapoel, Susan			267			although used to assist family funds, portion that was later replaced retains exempt character.
Assets, included	Tort settlement	Nuttall v. Rea, 2005 ABQB 151	<a href="#">Nuttall v. Rea</a>	2005	QB	Watson		McBean, Jean	Zwaneapoel, Susan			239-250-257	Sutton v. Davidson 1999 ABCA 280		judge distinguishes future income portion of a settlement as not exempt. Paras. 250-57 present a methodological approach to division

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Conduct and the MPA		Nuttall v. Rea, 2005 ABQB 151	<a href="#">Nuttall v. Rea</a>	2005	QB	Watson		McBean, Jean	Zwaneapoel, Susan			67-70	McCulloch v. McCulloch, 2003 ABQB 432; Low v. Robinson, 2000 ABQB 60	Beaudry v. Beaudry, 2010 ABQB 119	judge states there may be a role for consideration of "moralness and justness" of situations in s. 8 beyond 8(l). Must be shown to have a financial consequence. (has been interpreted later as a form of dissipation)
Date of valuation	date of trial	Nuttall v. Rea, 2005 ABQB 151	<a href="#">Nuttall v. Rea</a>	2005	QB	Watson		McBean, Jean	Zwaneapoel, Susan			155	Hodgson v. Hodgson, 2005 ABCA 13		states there may be special circumstances allowing for departure.
Potential s. 8 factors	disability	Nuttall v. Rea, 2005 ABQB 151	<a href="#">Nuttall v. Rea</a>	2005	QB	Watson		McBean, Jean	Zwaneapoel, Susan		8	72-78			health situations of both parties noted
Purpose of the MPA		Nuttall v. Rea, 2005 ABQB 151	<a href="#">Nuttall v. Rea</a>	2005	QB	Watson		McBean, Jean	Zwaneapoel, Susan			69	Leblanc v. Leblanc [1988] 1 S.C.R. 217		

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s. 7(2) exempt property scope of	tort settlement	Nuttall v. Rea, 2005 ABQB 151	<a href="#">Nuttall v. Rea</a>	2005	QB	Watson		McBean, Jean	Zwaneapoel, Susan		7(2)	158, 182	Shaver v. Shaver 37 R.F.L. (3rd) 117; Kowalski v. Kowalski [1997] O.J. No. 4050; Lobo v. Lobo 1999 ABQB 107; Rohl v. Rohl 140 A.R. 229; Nesbitt v. Nesbitt 159 Sask.R. 252; Girouard v. Girouard 40 R.F.L. (3rd) 157; East v. East 2000 SKQB 557; Institute of Law Research and Reform. Report No. 18: Matrimonial Property (1975)		debate on interp of s. 7(2)(d). Judge finds there is a loss to both parties when said loss affects the financial well-being of both parties.
s. 7(3) property	cello	Nuttall v. Rea, 2005 ABQB 151	<a href="#">Nuttall v. Rea</a>	2005	QB	Watson		McBean, Jean	Zwaneapoel, Susan		7(3)	274			increase in cello included in property division.

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s. 7(3)(a) tracing		Nuttall v. Rea, 2005 ABQB 151	<a href="#">Nuttall v. Rea</a>	2005	QB	Watson		McBean, Jean	Zwaneapoel, Susan			7(3)(a)	243	Lobo v. Lobo 1999 ABQB 107; Harrower v. Harrower 97 A.R. 141; Brokopp v. Brokopp 19 R.F.L. (4th) 1		
s. 8 factors		Nuttall v. Rea, 2005 ABQB 151	<a href="#">Nuttall v. Rea</a>	2005	QB	Watson		McBean, Jean	Zwaneapoel, Susan			8	165	Peter v. Beblow [1993] 1 S.C.R. 980		judge considers whether "contribution" means value survived or value received. Determines it means value survived.
s. 8 factors		Nuttall v. Rea, 2005 ABQB 151	<a href="#">Nuttall v. Rea</a>	2005	QB	Watson		McBean, Jean	Zwaneapoel, Susan			8	285			wife argues husband should have brought s. 7(3) property into matrimonial regime and unequal division should result.
s. 8(d) income, earning capacity, liabilities, obligations, other resources		Nuttall v. Rea, 2005 ABQB 151	<a href="#">Nuttall v. Rea</a>	2005	QB	Watson		McBean, Jean	Zwaneapoel, Susan			8(d)	292			judge notes this factor but says it bears on spousal support.
s. 8(e) duration of marriage	long	Nuttall v. Rea, 2005 ABQB 151	<a href="#">Nuttall v. Rea</a>	2005	QB	Watson		McBean, Jean	Zwaneapoel, Susan			8(c)	291			long marriage (16 yrs.)

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s. 8(f) property acquired while separate and apart		Nuttall v. Rea, 2005 ABQB 151	<a href="#">Nuttall v. Rea</a>	2005	QB	Watson		McBean, Jean	Zwaneapoel, Susan		8(f)	293	Souder v. Wereschuk, 2004 ABCA 339		Judge notes that fact that property acquired while separate and apart does not automatically create an exemption for said property
Analytical framework		Oddan v. Oddan, 2005 ABQB 786	<a href="#">Oddan v. Oddan</a>	2005	QB	Martin		Beswick, H.R.	Boyden, R.V.T.			18	Hodgson v. Hodgson, 2005 ABCA 13		
Date of valuation		Oddan v. Oddan, 2005 ABQB 786	<a href="#">Oddan v. Oddan</a>	2005	QB	Martin		Beswick, H.R.	Boyden, R.V.T.			19	Hodgson v. Hodgson, 2005 ABCA 13; Mazurenko v. Mazurenko (1981) 30 A.R. 34		
s. 7(3) property		Oddan v. Oddan, 2005 ABQB 786	<a href="#">Oddan v. Oddan</a>	2005	QB	Martin		Beswick, H.R.	Boyden, R.V.T.		7(3)	27			judge awards 30% to husband
s. 8(m) other	work ethic	Oddan v. Oddan, 2005 ABQB 786	<a href="#">Oddan v. Oddan</a>	2005	QB	Martin		Beswick, H.R.	Boyden, R.V.T.		8(m)	27			judge refers repeatedly to wife's stronger work ethic before dividing property unequally.
Date of valuation	date of separation	Ouellette v. Ouellette, 2000 ABQB 448	<a href="#">Ouellette v. Ouellette</a>	2000	QB	Holmes		Glod, T.	self			12	Mazurenko v. Mazurenko (1989) 23 R.F.L. 3 <sup>rd</sup> 265		counsel for husband argues for date of valuation to be date of separation. Judge rejects.

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Occupation Rent		P.(D.E.) v. P.(M.E.), 2001 ABQB 946	<a href="#">P.(D.E.) v. P.(M.E.)</a>	2001	QB	Lee		Reeves, Michele	Jenkins, John			28			judge claims that occupation rent could be a consideration in this case re request for injunctive relief.
Assets, included	foreign property	P.(T.L.) v. P.(F.J.), 2007 ABQB 600 a.k.a. Patton v. Patton	<a href="#">P.(T.L.) v. P.(F.J.)</a>	2007	QB	Macklin		Pollock, Leonard	Schwab, Karen	Patton v. Patton, 2008 ABCA 334		28 44	Mitrovic v. Mitrovic, 2007 ABQB		States court has jurisdiction over division of U.S. property by its jurisdiction over the parties. Property in wife's name only. Judge directs that 1/2 of property is to be held in trust for the husband.
s. 7(3) property	jewellery	P.(T.L.) v. P.(F.J.), 2007 ABQB 600 a.k.a. Patton v. Patton	<a href="#">P.(T.L.) v. P.(F.J.)</a>	2007	QB	Macklin		Pollock, Leonard	Schwab, Karen	Patton v. Patton, 2008 ABCA 334	7(3)	36			judge states that each party may keep value of gifts they received from the other.
Assets, included	matrimonial home	Paley v. Paley, 2007 ABQB 13	<a href="#">Paley v. Paley</a>	2007	QB	Wilson		Rand, Richard	Makuch, Nester			40			Reason for divorce: 78 yo wife wanted to stay in home. 82 yo husband wanted to go to a retirement home. Judge states home must be sold to divide assets.
Assets, included	pension	Paley v. Paley, 2007 ABQB 13	<a href="#">Paley v. Paley</a>	2007	QB	Wilson		Rand, Richard	Makuch, Nester			26	McAlister v. McAlister (1982), 41 A.R. 277		judge uses McAlister formula to divide pension.
Strength of s. 7(4) presumption		Paley v. Paley, 2007 ABQB 13	<a href="#">Paley v. Paley</a>	2007	QB	Wilson		Rand, Richard	Makuch, Nester		7(4)	28			long term marriage leads to presumption of equal division



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Corporate assets	goodwill	Panara v. Di Ascenzo 2000 CarswellAlta 1814	<a href="#">Panara v. Di Ascenzo</a>	2000	QB	Kent		Wise, J.	Best, Wendy	rev'd. 2005 ABCA 47	7(3)	63			Restaurant goodwill given solely to Husband.
s. 7(2) exempt property scope of	inheritance	Panara v. Di Ascenzo 2000 CarswellAlta 1814	<a href="#">Panara v. Di Ascenzo</a>	2000	QB	Kent		Wise, J.	Best, Wendy	rev'd. 2005 ABCA 47	7(2)	60-61			Judge visibly unhappy with wife's treatment of inheritance money by not putting it towards business.
s. 7(3) property	income-producing assets	Panara v. Di Ascenzo 2000 CarswellAlta 1814	<a href="#">Panara v. Di Ascenzo</a>	2000	QB	Kent		Wise, J.	Best, Wendy	rev'd. 2005 ABCA 47	7(3)	63			Restaurant goodwill given solely to Husband.
s. 7(3) property	income-producing assets	Panara v. Di Ascenzo 2000 CarswellAlta 1814	<a href="#">Panara v. Di Ascenzo</a>	2000	QB	Kent		Wise, J.	Best, Wendy	rev'd. 2005 ABCA 47	7(3)	64			Assets purchased from corporation divided 75 husband/25 wife.
s. 7(3) property	subsistence assets	Panara v. Di Ascenzo 2000 CarswellAlta 1814	<a href="#">Panara v. Di Ascenzo</a>	2000	QB	Kent		Wise, J.	Best, Wendy	rev'd. 2005 ABCA 47	7(3)	62			subsistence assets divided equally
s. 7(3) property		Panara v. Di Ascenzo 2000 CarswellAlta 1814	<a href="#">Panara v. Di Ascenzo</a>	2000	QB	Kent		Wise, J.	Best, Wendy	rev'd. 2005 ABCA 47	7(3)	58			Judge states he is not bound by the principle of equal distribution re 7(3) property.

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s. 8(b) contribution to business		Panara v. Di Ascenzo 2000 CarswellAlta 1814	<a href="#">Panara v. Di Ascenzo</a>	2000	QB	Kent		Wise, J.	Best, Wendy	rev'd. 2005 ABCA 47	8(b)	54			Judge states business success entirely due to husband.
s. 8(c) contribution to property		Panara v. Di Ascenzo 2000 CarswellAlta 1814	<a href="#">Panara v. Di Ascenzo</a>	2000	QB	Kent		Wise, J.	Best, Wendy	rev'd. 2005 ABCA 47	8(c)	55			Judge states business success entirely due to husband.
s. 8(d) income, earning capacity, liabilities, obligations, other resources		Panara v. Di Ascenzo 2000 CarswellAlta 1814	<a href="#">Panara v. Di Ascenzo</a>	2000	QB	Kent		Wise, J.	Best, Wendy	rev'd. 2005 ABCA 47	8(d)	55			Judge comments that wife has done nothing since leaving marriage but husband has continued to run a thriving business.
s. 8(e) duration of marriage	short	Panara v. Di Ascenzo 2000 CarswellAlta 1814	<a href="#">Panara v. Di Ascenzo</a>	2000	QB	Kent		Wise, J.	Best, Wendy	rev'd. 2005 ABCA 47	8(e)	56			6 year marriage determined to be of short duration. 6 year cohabitation period prior to marriage not counted.
s. 8(j) prior order made by court	interim advance on matrimonial property	Panara v. Di Ascenzo 2000 CarswellAlta 1814	<a href="#">Panara v. Di Ascenzo</a>	2000	QB	Kent		Wise, J.	Best, Wendy	rev'd. 2005 ABCA 47	8(j)	57			credited against wife.

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Unjust enrichment		Panara v. Di Ascenzo 2000 CarswellAlta 1814	<a href="#">Panara v. Di Ascenzo</a>	2000	QB	Kent		Wise, J.	Best, Wendy	rev'd. 2005 ABCA 47		51	Peter v. Beblow [1993] 1 S.C.R. 980; Harper v. Harper (1995), 166 A.R. 212		Unjust enrichment argued. Failed.

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Cohabitation	unjust enrichment	Panara v. Di Ascenzo, 2005 ABCA 47	<a href="#">Panara v. Di Ascenzo</a>	2005	CA	Russell	Whittman (concurra nce), Berger (dissent in part)	McMurchi e, L.J.	Foster, Ronald; Harms, D.L.	rev'g. 2000 CarswellAlta 1814		40-41	Peter v. Beblow, 1993 CanLII 126 (S.C.C.); Pettkus v. Becker, 1980 CanLII 22 (S.C.C.); Harper v. Harper (1995), 166 A.R. 212	R.( F.D.) v. P.(M.D.), 2006 ABQB 202; Howard v. Sandau, 2008 ABQB 34; Parchewsky v. Kozakevich, 2008 ABQB 4; Davidson v. Loucks, 2008 ABQB 154; J.(D.R.) v. J.(M.), 2008 ABQB 380; Canniff v. Gardner, 2008 ABQB 523; McCormick v. The Estate of Gilles Doiron and Hilda Power, 2009 NBCA 19; Jensen v. Jensen, 2009 ABCA 272; Brown v. Silvera, 2009 ABQB 523; Anthony v. Berger, 2010 ABQB 3; Coghill v. Michalko, 2010 ABQB 59	Interesting comment at para. 40 stating that relationship in marriage also existed during period of cohabitation. Reasonable expectation of share in profits noted. Berger dissents.

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Cohabitation and the MPA		Panara v. Di Ascenzo, 2005 ABCA 47	<a href="#">Panara v. Di Ascenzo</a>	2005	CA	Russell	Whittman (concurance), Berger (dissent in part)	McMurchie, L.J.	Foster, Ronald; Harms, D.L.	rev'g. 2000 CarswellAlta 1814		22	Nova Scotia (Attorney General) v. Walsh, 2002 SCC 83	Behiels v. McCarthy 2010 ABQB; Swaren v. Swaren, 2007 ABQB 193; Parchewsky v. Kozakevich, 2008 ABQB 4	court states that MPA does not apply to period of cohabitation.
Corporate assets	goodwill	Panara v. Di Ascenzo, 2005 ABCA 47	<a href="#">Panara v. Di Ascenzo</a>	2005	CA	Russell	Whittman (concurance), Berger (dissent in part)	McMurchie, L.J.	Foster, Ronald; Harms, D.L.	rev'g. 2000 CarswellAlta 1814		60	Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113	Nuttall v. Rea, 2005 ABQB 151;	Divides assets equally except for goodwill which is given to husband alone.
s. 7(2) exempt property scope of	inheritance	Panara v. Di Ascenzo, 2005 ABCA 47	<a href="#">Panara v. Di Ascenzo</a>	2005	CA	Russell	Whittman (concurance), Berger (dissent in part)	McMurchie, L.J.	Foster, Ronald; Harms, D.L.	rev'g. 2000 CarswellAlta 1814	7(2)	66			court states TJ erred in dividing investment assets unequally based on wife's actions re inheritance. Awards equal division of increase in investment assets.

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Standard of review		Panara v. Di Ascenzo, 2005 ABCA 47	<a href="#">Panara v. Di Ascenzo</a>	2005	CA	Russell	Whittman (concurance), Berger (dissent in part)	McMurche, L.J.	Foster, Ronald; Harms, D.L.	rev'g. 2000 CarswellAlta 1814		19		Abbott v. Abbott, 2006 ABCA 204; Carmichael v. Carmichael, 2007 ABCA 3; Chalifoux v. Chalifoux, 2008 ABCA 70; Morton v. Morton, 2008 ABCA 144; A.(S.M.) v. H.(S.F.), 2009 ABCA 123	Court will only overturn division of property judgment if there was misdirection or a decision clearly amounting to injustice.
Strength of s. 7(4) presumption		Panara v. Di Ascenzo, 2005 ABCA 47	<a href="#">Panara v. Di Ascenzo</a>	2005	CA	Russell	Whittman (concurance), Berger (dissent in part)	McMurche, L.J.	Foster, Ronald; Harms, D.L.	rev'g. 2000 CarswellAlta 1814	7(4)	60	Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113	Nuttall v. Rea, 2005 ABQB 151;	
Unjust enrichment		Panara v. Di Ascenzo, 2005 ABCA 47	<a href="#">Panara v. Di Ascenzo</a>	2005	CA	Russell	Whittman (concurance), Berger (dissent in part)	McMurche, L.J.	Foster, Ronald; Harms, D.L.	rev'g. 2000 CarswellAlta 1814		52	Pettkus v. Becker, 1980 CanLII 22 (S.C.C.)	Gordon v. Towell, 2009 ABQB 462	court finds causal link between efforts and gain. States monetary award is sufficient and does not award constructive trust. Awards division of increase in value in restaurant during period as "value survived." Berger dissents.

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s. 9 distribution	pension	Paxton v. Paxton, 2009 ABQB 435	<a href="#">Paxton v. Paxton</a>	2009	QB	Strekaf		self	Richardson, Rita		9	30			Court states it has jurisdiction to order the division at source of non-registered plans. 3rd party's admin. policy played a role in distribution.
Debts, included	corporate debt	Peleshaty v. Peleshaty, 2007 ABQB 598	<a href="#">Peleshaty v. Peleshaty</a>	2007	QB	Nielson		Turner, Gregory D.	Gosselin, Diana			111			wife argues she had nothing to do with co-owned corporation. Judge rules that as a shareholder, she is equally responsible for corp's. debt.
Debts, included	loans from family	Peleshaty v. Peleshaty, 2007 ABQB 598	<a href="#">Peleshaty v. Peleshaty</a>	2007	QB	Nielson		Turner, Gregory D.	Gosselin, Diana			133			judge appears to accept validity of loans, pending proof.
Debts, included		Peleshaty v. Peleshaty, 2007 ABQB 598	<a href="#">Peleshaty v. Peleshaty</a>	2007	QB	Nielson		Turner, Gregory D.	Gosselin, Diana			122	Carmichael v. Carmichael, 2007 ABCA 3		judge states debt may be included if it added to matrimonial assets or maintenance of lifestyle of parties.
Occupation Rent		Peleshaty v. Peleshaty, 2007 ABQB 598	<a href="#">Peleshaty v. Peleshaty</a>	2007	QB	Nielson		Turner, Gregory D.	Gosselin, Diana			127	Busenius v. Busenius, 2006 ABQB 162		In a twist on Busenius, husband claims contribution to mortgage payments from wife during period he was in exclusive possession. Judge states that as she is not claiming occupation rent, this claim fails.

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s. 20 factors re matrimonial home		Pfeil v. Pfeil, 2009 ABQB 431	<a href="#">Pfeil v. Pfeil</a>	2009	QB	Lee		Ferguson-Switzer, Anne	Spitz, Peter		20	16			judge calls s. 20 an "extraordinary" remedy and refuses to grant application stating that full disclosure is required before a s. 20 order can be made.
Relationship b/w MPA and other acts, orders	Dower Act	Phan v. Eng 2005 ABCA 142 <i>subnom</i> Phan v. Lee	<a href="#">Phan v. Eng</a>	2005	CA	Hunt	McFayden, Costigan	n/a	Avery, R.N.	affirming. <i>Phan v. Eng</i> ((May 12, 2004)), Doc. Calgary 0401-03202		21, 43			Dower Act and valuation of dower rights
Assets, excluded	cash payment	Placsko v. Placsko, 2004 ABQB 410	<a href="#">Placsko v. Placsko</a>	2004	QB	Nation		self	Forsyth-Nicholson, R.			29			money given to wife between separation and trial excluded because husband not paying maintenance
Assets, exempt	corporate assets	Placsko v. Placsko, 2004 ABQB 410	<a href="#">Placsko v. Placsko</a>	2004	QB	Nation		self	Forsyth-Nicholson, R.			46			judge leaves company to husband due to incomplete evidence of value. Implication that company may have greater liabilities than assets.
Assets, exempt	inherited property	Placsko v. Placsko, 2004 ABQB 410	<a href="#">Placsko v. Placsko</a>	2004	QB	Nation		self	Forsyth-Nicholson, R.			37			no valuation presented for Sask. Land, so judge orders land to remain with husband.
Corporate assets	"Lifting the corporate veil"	Placsko v. Placsko, 2004 ABQB 410	<a href="#">Placsko v. Placsko</a>	2004	QB	Nation		self	Forsyth-Nicholson, R.			23			judge states that one cannot take corporate assets/liabilities and treat them as if they were separate and personal.



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Corporate assets	goodwill	Placsko v. Placsko, 2004 ABQB 410	<a href="#">Placsko v. Placsko</a>	2004	QB	Nation		self	Forsyth-Nicholson, R.			24			judge states company's goodwill is personal and cannot be valued
Debts, excluded	accounting reports	Placsko v. Placsko, 2004 ABQB 410	<a href="#">Placsko v. Placsko</a>	2004	QB	Nation		self	Forsyth-Nicholson, R.			30			Due to disarray of finances, husband held to shoulder cost of both reports himself.
Debts, excluded	loans from family	Placsko v. Placsko, 2004 ABQB 410	<a href="#">Placsko v. Placsko</a>	2004	QB	Nation		self	Forsyth-Nicholson, R.			26			judge excludes these from matrimonial debts
Debts, excluded	post separation debt	Placsko v. Placsko, 2004 ABQB 410	<a href="#">Placsko v. Placsko</a>	2004	QB	Nation		self	Forsyth-Nicholson, R.			25			judge excludes all debts accumulated after the sale of the matrimonial home
Debts, excluded	rent	Placsko v. Placsko, 2004 ABQB 410	<a href="#">Placsko v. Placsko</a>	2004	QB	Nation		self	Forsyth-Nicholson, R.			28			husband made claim for rent from wife while she was living in a duplex he owned post separation. Judge rejects, stating she was not paid maintenance during this time.
Debts, excluded	taxes	Placsko v. Placsko, 2004 ABQB 410	<a href="#">Placsko v. Placsko</a>	2004	QB	Nation		self	Forsyth-Nicholson, R.			32			judge states that she cannot tell if amount charged against house for personal taxes was accumulated before or after separation. States debt is husband's alone

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Costs	double	Potter v. Potter 2001 ABQB 810	<a href="#">Potter v. Potter</a>	2001	QB	Lewis		McKall, Ramon T.	Tumbach, Dale			104			double costs awarded to wife for failure of husband to cooperate or abide by undertaking not to dispose of property
Date of valuation	date of trial	Potter v. Potter 2001 ABQB 810	<a href="#">Potter v. Potter</a>	2001	QB	Lewis		McKall, Ramon T.	Tumbach, Dale			70	Mazurenko v. Mazurenko (1989) 23 R.F.L. 3rd 265		Judge states that deviation from date of trial only arises with special circumstances or compelling reasons and dissipation is best dealt with via s. 8.
income producing assets	CORE commissions	Potter v. Potter 2001 ABQB 810	<a href="#">Potter v. Potter</a>	2001	QB	Lewis		McKall, Ramon T.	Tumbach, Dale			58	McLeod v. McLeod (1990), 28 R.F.L. (3d) 65		judge determines that CORE is property and discounts 25%. States that he is treating Core in a manner similar to pension.
s. 8(l) dissipation of property		Potter v. Potter 2001 ABQB 810	<a href="#">Potter v. Potter</a>	2001	QB	Lewis		McKall, Ramon T.	Tumbach, Dale		8(l)	93	Cox v. Cox, 1998 ABQB 987		Judge notes principles for determining dissipation at para. 92: intent to dissipate + actual detriment. Chooses to add 1/2 of amount found dissipated to payment to wife (per Cox).
Assets, exempt	periodic distributions	R.(A.I.) v. W.(M.P.) 2004 CarswellAlta 1924 a.k.a. Rooney v. Wingham	<a href="#">R.(A.I.) v. W.(M.P.)</a>	2004	QB	Hughes		Boyes, Judy	Stock, E.	rev'd.in part Rooney v. Wingham, 2007 ABCA 188		37	McLeod v. McLeod 1990 CarswellAlta 114		judge distinguishes wife's inheritance money from trust money (income).

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Assets, included	inheritance	R.(A.I.) v. W.(M.P.) 2004 CarswellAlt a 1924 a.k.a. Rooney v. Wingham	<a href="#">R.(A.I.) v. W.(M.P.)</a>	2004	QB	Hughes		Boyes, Judy	Stock, E.	rev'd.in part Rooney v. Wingham, 2007 ABCA 188		49-51			monies used towards boat and husband's RRSP and business lose exempt status.
Assets, included	RESP	R.(A.I.) v. W.(M.P.) 2004 CarswellAlt a 1924 a.k.a. Rooney v. Wingham	<a href="#">R.(A.I.) v. W.(M.P.)</a>	2004	QB	Hughes		Boyes, Judy	Stock, E.	rev'd.in part Rooney v. Wingham, 2007 ABCA 188		67			any remainder of RESP money to be divided the same as s. 7(3) money
conduct	during marriage	R.(A.I.) v. W.(M.P.) 2004 CarswellAlt a 1924 a.k.a. Rooney v. Wingham	<a href="#">R.(A.I.) v. W.(M.P.)</a>	2004	QB	Hughes		Boyes, Judy	Stock, E.	rev'd.in part Rooney v. Wingham, 2007 ABCA 188		56			judge notes husband had advice on tracing and exemptions and "deliberately hid" money from wife

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Corporate assets valuation	partnership	R.(A.I.) v. W.(M.P.) 2004 CarswellAlt a 1924 a.k.a. Rooney v. Wingham	<a href="#">R.(A.I.) v. W.(M.P.)</a>	2004	QB	Hughes		Boyes, Judy	Stock, E.	rev'd.in part Rooney v. Wingham, 2007 ABCA 188		20			Judge determines value of partnership based on price for a new partner to join the firm.
Corporate assets valuation	taxes	R.(A.I.) v. W.(M.P.) 2004 CarswellAlt a 1924 a.k.a. Rooney v. Wingham	<a href="#">R.(A.I.) v. W.(M.P.)</a>	2004	QB	Hughes		Boyes, Judy	Stock, E.	rev'd.in part Rooney v. Wingham, 2007 ABCA 188		23	Sengmueller v. Sengmueller 1994 CarswellOnt 375		judge does not deduct taxes because realization of sale is not imminent
Date of valuation	date of trial	R.(A.I.) v. W.(M.P.) 2004 CarswellAlt a 1924 a.k.a. Rooney v. Wingham	<a href="#">R.(A.I.) v. W.(M.P.)</a>	2004	QB	Hughes		Boyes, Judy	Stock, E.	rev'd.in part Rooney v. Wingham, 2007 ABCA 188		11-15	Faulkner v. Faulkner (1998), 228 A.R. 49		trial interrupted by several months. Judge chooses to value property as of date of first sitting, since P. closed her case then, later date would have led to increased costs, any offers would have been made based on first trial date.

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Division of assets	by percentage	R.(A.I.) v. W.(M.P.) 2004 CarswellAlt a 1924 a.k.a. Rooney v. Wingham	<a href="#">R.(A.I.) v. W.(M.P.)</a>	2004	QB	Hughes		Boyes, Judy	Stock, E.	rev'd.in part Rooney v. Wingham, 2007 ABCA 188		66			judge divides s. 7(4) assets equally but divides s. 7(3) assets unequally.
s. 36(2)(a) presumption of joint ownership	tracing	R.(A.I.) v. W.(M.P.) 2004 CarswellAlt a 1924 a.k.a. Rooney v. Wingham	<a href="#">R.(A.I.) v. W.(M.P.)</a>	2004	QB	Hughes		Boyes, Judy	Stock, E.	rev'd.in part Rooney v. Wingham, 2007 ABCA 188	36(1)	47			money used towards paying down mortgage of matrimonial home loses 1/2 exemption.
s. 7(3)(a) tracing	inheritance	R.(A.I.) v. W.(M.P.) 2004 CarswellAlt a 1924 a.k.a. Rooney v. Wingham	<a href="#">R.(A.I.) v. W.(M.P.)</a>	2004	QB	Hughes		Boyes, Judy	Stock, E.	rev'd.in part Rooney v. Wingham, 2007 ABCA 188	7(3)(a)	44			although money placed in family account, judge does not find inheritance necessarily lost exempt status. States that status depends on use of money.

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s. 7(3)(a) tracing	loans from parents	R.(A.I.) v. W.(M.P.) 2004 CarswellAlta 1924 a.k.a. Rooney v. Wingham	<a href="#">R.(A.I.) v. W.(M.P.)</a>	2004	QB	Hughes		Boyes, Judy	Stock, E.	rev'd.in part Rooney v. Wingham, 2007 ABCA 188	7(3)(a)	41	Harrower v. Harrower 1989 CarswellAlta 105; Roenisch v. Roenisch 1991 CarswellAlta 325; Hughes v. Hughes 1998 CarswellAlta 1206		judge accepts that money given to purchase matrimonial home was not a gift because it was deducted from wife's inheritance.
s. 8(e) duration of marriage	long	R.(A.I.) v. W.(M.P.) 2004 CarswellAlta 1924 a.k.a. Rooney v. Wingham	<a href="#">R.(A.I.) v. W.(M.P.)</a>	2004	QB	Hughes		Boyes, Judy	Stock, E.	rev'd.in part Rooney v. Wingham, 2007 ABCA 188	8(e)	66			long-term marriage
s. 8(l) dissipation of property		R.(A.I.) v. W.(M.P.) 2004 CarswellAlta 1924 a.k.a. Rooney v. Wingham	<a href="#">R.(A.I.) v. W.(M.P.)</a>	2004	QB	Hughes		Boyes, Judy	Stock, E.	rev'd.in part Rooney v. Wingham, 2007 ABCA 188	8(l)	62	Cox v. Cox 1998 CarswellAlta 1080		judge fails to find dissipation. Notes dissipation must include intent but that reasonable expenditures will not be considered dissipation.

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s. 8(m) other	disclosure	R.(A.I.) v. W.(M.P.) 2004 CarswellAlta 1924 a.k.a. Rooney v. Wingham	<a href="#">R.(A.I.) v. W.(M.P.)</a>	2004	QB	Hughes		Boyes, Judy	Stock, E.	rev'd.in part Rooney v. Wingham, 2007 ABCA 188	8(m)	66			hiding assets results in unequal division of s. 7(3) property
s. 37 contracting out	prenuptial agreement	R.(B.A.) v. S.(C.J.) 2006 ABQB 400; [2006] A.J. No. 715	<a href="#">R.(B.A.) v. S.(C.J.)</a>	2007	QB	Trussler		self	Kousonsavath, Souriya		37	69, 75	Miglin v. Miglin, [2003] 1 S.C.R. 303; Hartshorne v. Hartshorne, [2004] 1 S.C.R. 550	Mastalerz v. Mastalerz, 2007 ABQB 416	Judge states agreement must violate basic contractual principles to be invalid. Also states there may be contextual factors that give more deference to a prenup than to a settlement agreement. Finds agreement freely contracted and valid.
Debts, excluded	legal fees	R.(K.M.) v. R.(S.), 2005 ABQB 441	<a href="#">R.(K.M.) v. R.(S.)</a>	2005	QB	Binder		self	Crooks, Sharon			37			Strange comment: "the effect of this order is an inequitable division of assets in favour of K.M.R. in recognition of the fact that due to her responsibilities prior to and after separation (particularly her contribution as a homemaker and parent), and her income, earning capacity, liabilities and obligations, she has suffered a disproportionate economic disadvantage."

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Debts, excluded	student loan	R.(K.M.) v. R.(S.), 2005 ABQB 441	<a href="#">R.(K.M.) v. R.(S.)</a>	2005	QB	Binder		self	Crooks, Sharon			36			wife's student loans not included in otherwise uncomplicated property division.
Occupation Rent		R.(K.M.) v. R.(S.), 2005 ABQB 441	<a href="#">R.(K.M.) v. R.(S.)</a>	2005	QB	Binder		self	Crooks, Sharon			39			denied. KMR's house payments increased equity. Children living in home for majority of time.
s. 38 formalities		Rarog v. Rarog, 2007 ABQB 98	<a href="#">Rarog v. Rarog</a>	2007	QB	McDonald		Tymchyshyn, James	Bodeux-Tang, Margaret			38	21	Miles v. Miles 20 Alta. L.R. (4th) 26	Failure to comply with all formalities renders s. 38 agreement legally unenforceable. <i>Judge states Smith v. Haworth wrongly decided.</i>
Corporate assets valuation	double dipping	Ravoy v. Ravoy 2002 ABCA 6	<a href="#">Ravoy v. Ravoy</a>	2001	CA	Paperny	Marshall, Cairns	Allen, Laurie	Groome, G.A.	affmg. unpublished 2001 QB decision		14	Boston v. Boston (2001), 201 D.L.R. (4th) 1	Lawson v. Lawson 2004 ABQB 415	at the discretion of the court, depends on whether method of evaluation includes future income stream
Costs	double	Ravoy v. Ravoy 2002 ABCA 6	<a href="#">Ravoy v. Ravoy</a>	2001	CA	Paperny	Marshall, Cairns	Allen, Laurie	Groome, G.A.	affmg. unpublished 2001 QB decision		18			double costs based on offer of judgment
Date of valuation	other	Ravoy v. Ravoy 2002 ABCA 6	<a href="#">Ravoy v. Ravoy</a>	2001	CA	Paperny	Marshall, Cairns	Allen, Laurie	Groome, G.A.	affmg. unpublished 2001 QB decision		12			valuations done on a date other than date of trial
Relationship b/w MPA and other acts, orders	Divorce Act	Ravoy v. Ravoy 2002 ABCA 6	<a href="#">Ravoy v. Ravoy</a>	2001	CA	Paperny	Marshall, Cairns	Allen, Laurie	Groome, G.A.	affmg. unpublished 2001 QB decision		14			Double dipping and Divorce Act
s. 8(k) potential tax liability	distribution of assets	Ravoy v. Ravoy 2002 ABCA 6	<a href="#">Ravoy v. Ravoy</a>	2001	CA	Paperny	Marshall, Cairns	Allen, Laurie	Groome, G.A.	affmg. unpublished 2001 QB decision	8(k)	10			butterfly transaction



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s. 8(l) dissipation of property		Ravoy v. Ravoy 2002 ABCA 6	<a href="#">Ravoy v. Ravoy</a>	2001	CA	Paperny	Marshall, Cairns	Allen, Laurie	Groome, G.A.	affmg. unpublished 2001 QB decision	s(1)	11			money given to daughter without consent of wife
s. 36(2)(a) presumption of joint ownership	tracing	Rees v. Rees 2001 CarswellAlta 266	<a href="#">Rees v. Rees</a>	2001	QB	Rawlins		Aaron, W.T.	Vallance, D.P.	1999 ABQB 536	36(2)(a)	3			Judge corrects earlier ruling that fully exempted Husband's assets brought into marriage and used for building matrimonial home with 1/2 exemption.
Assets, included	inheritance	Richards v. Richards, 2004 ABQB 263	<a href="#">Richards v. Richards</a>	2004	QB	Binder		Hustwick, John	Andrew, W. Stephen			40			judge includes increase in value of inheritance, accepting testimony of wife that it was intended for their joint retirement.
conduct	post separation	Richards v. Richards, 2004 ABQB 263	<a href="#">Richards v. Richards</a>	2004	QB	Binder		Hustwick, John	Andrew, W. Stephen			43			judge finds both parties credible and refuses to draw adverse inference re intentional withholding of documents by wife.
s. 7(3) property	inheritance	Richards v. Richards, 2004 ABQB 263	<a href="#">Richards v. Richards</a>	2004	QB	Binder		Hustwick, John	Andrew, W. Stephen		7(3)	40			judge includes increase in value of inheritance, accepting testimony of wife that it was intended for their joint retirement.
s. 7(3)(a) tracing	inheritance	Richards v. Richards, 2004 ABQB 263	<a href="#">Richards v. Richards</a>	2004	QB	Binder		Hustwick, John	Andrew, W. Stephen		7(3)(a)	40			judge refuses to trace inheritance and equally divides increase.
s. 8(l) dissipation of property		Richards v. Richards, 2004 ABQB 263	<a href="#">Richards v. Richards</a>	2004	QB	Binder		Hustwick, John	Andrew, W. Stephen		8(l)	44			judge fails to find dissipation of property re expenditures after separation. States both parties spent assets.

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Debts, included	loans from family	Richards v. Richards, 2004 ABQB 263	<a href="#">Richards v. Richards</a>	2004	QB	Binder		Hustwick, John	Andrew, W. Stephen			49		Hennesey v. Hennesey, 2005 ABQB 883	judge accepts wife's claim that debts to mother will be paid off
s. 11 Application by spouse of deceased		Richardson v. Canada Life Assurance Company, 2004 ABQB 805	<a href="#">Richardson v. Canada Life Assurance Company</a>	2004	QB	Veit		Long, Linda	n/a		11	19-23			Judge discusses applicability of s. 11, but it appears s. 16 is the correct section, since issue is whether the children can continue a mat. prop. action against husband after death of wife if he does not pay promised 1/2 of insurance proceeds.
s. 16 Actions continued by estate		Richardson v. Canada Life Assurance Company, 2004 ABQB 805	<a href="#">Richardson v. Canada Life Assurance Company</a>	2005	QB	Veit		Long, Linda	n/a		16	19-23			Judge discusses applicability of s. 11, but it appears s. 16 is the correct section, since issue is whether the children can continue a mat. prop. action against husband after death of wife if he does not pay promised 1/2 of insurance proceeds.
Distribution of assets	method of distribution	Rolls v. Rolls, 2000 ABCA 18	<a href="#">Rolls v. Rolls</a>	2000	CA	Picard, Berger, Whittmann		Shipley, K.	Allen, L.E.	varying 1998 CarswellAlta 987		8			CA struck down decision by trial judge to give home quarter to wife as distribution for lump sum payment in arrears

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Costs		Rooney v. Wingham, 2007 ABCA 188 a.k.a. R.(A.I.) v. W.(M.P.)	<a href="#">Rooney v. Wingham</a>	2007	CA	Ritter, Martin	Kent (dissenting in part)	self	Boyes, Judy	rev'g. in part R. (A.I.) v. W. (M.P.) (2004), 2004 CarswellAlta 1924; varying R. (A.I.) v. W. (M.P.) 2005 ABQB 409; leave to appeal refused 2008 CanLII 18949 (S.C.C.)		50			punitive costs reduced based on revision to trial judgment.
Debts, excluded	income tax	Rooney v. Wingham, 2007 ABCA 188 a.k.a. R.(A.I.) v. W.(M.P.)	<a href="#">Rooney v. Wingham</a>	2007	CA	Ritter, Martin	Kent (dissenting in part)	self	Boyes, Judy	rev'g. in part R. (A.I.) v. W. (M.P.) (2004), 2004 CarswellAlta 1924; varying R. (A.I.) v. W. (M.P.) 2005 ABQB 409; leave to appeal refused 2008 CanLII 18949 (S.C.C.)		39	McCulloch v. McCulloch, 2003 ABQB 432 (CanLII)		post-separation tax debt may be included in matrimonial debt where income insufficient to meet expenses. In this case, TJ, though, unaware that wife had received a refund. Overturned.
Debts, excluded	legal fees	Rooney v. Wingham, 2007 ABCA 188 a.k.a. R.(A.I.) v. W.(M.P.)	<a href="#">Rooney v. Wingham</a>	2007	CA	Ritter, Martin	Kent (dissenting in part)	self	Boyes, Judy	rev'g. in part R. (A.I.) v. W. (M.P.) (2004), 2004 CarswellAlta 1924; varying R. (A.I.) v. W. (M.P.) 2005 ABQB 409; leave to appeal refused 2008 CanLII 18949 (S.C.C.)		40			TJ had allowed some legal fees to be included, which had been paid by CC. Revised.

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Strength of s. 7(4) presumption		Rooney v. Wingham, 2007 ABCA 188 <i>a.k.a.</i> R.(A.I.) v. W.(M.P.)	<a href="#">Rooney v. Wingham</a>	2007	CA	Ritter, Martin	Kent (dissenting in part)	self	Boyes, Judy	rev'g. in part R. (A.I.) v. W. (M.P.) (2004), 2004 CarswellAlta 1924; varying R. (A.I.) v. W. (M.P.) 2005 ABQB 409; leave to appeal refused 2008 CanLII 18949 (S.C.C.)	7(4)	46			Unequal division of assets upheld on basis of conduct by husband in hiding inheritance to maintain exemptions.
Analytical framework		Ross v. Ross, 2007 ABQB 167	<a href="#">Ross v. Ross</a>	2007	QB	Lee		Bozic, Zoran	Thom, Leonard			44			judge states distinction must be made between divisible assets and distributable assets according to MPA States s. 7(3) = distributable, 7(4) = divisible.
Assets, included	aunt's home	Ross v. Ross, 2007 ABQB 167	<a href="#">Ross v. Ross</a>	2007	QB	Lee		Bozic, Zoran	Thom, Leonard			62			Wife given beneficial interest in husband's 1/2 interest in his aunt's home.
Assets, included	investment properties	Ross v. Ross, 2007 ABQB 167	<a href="#">Ross v. Ross</a>	2007	QB	Lee		Bozic, Zoran	Thom, Leonard			64-66			wife given 1/2 interest in any proceeds from forced sale of condo properties after no evidence presented as to amt. of exemption
Date of valuation	date of trial	Ross v. Ross, 2007 ABQB 167	<a href="#">Ross v. Ross</a>	2007	QB	Lee		Bozic, Zoran	Thom, Leonard			8 13	Hodgson v. Hodgson 2005 ABCA		

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Debts, excluded	loans from family	Ross v. Ross, 2007 ABQB 167	<a href="#">Ross v. Ross</a>	2007	QB	Lee		Bozic, Zoran	Thom, Leonard			89	A.(D.L.) v. A.(R.T.), 2004 ABQB 946; Sparrow v. Sparrow, 2006 ABCA 155		loan from aunt excluded as gifts from aunt to husband
Debts, excluded	loans from family	Ross v. Ross, 2007 ABQB 167	<a href="#">Ross v. Ross</a>	2007	QB	Lee		Bozic, Zoran	Thom, Leonard			98	A.(D.L.) v. A.(R.T.), 2004 ABQB 946; Sparrow v. Sparrow, 2006 ABCA 155		excluded as gifts.
Debts, included		Ross v. Ross, 2007 ABQB 167	<a href="#">Ross v. Ross</a>	2007	QB	Lee		Bozic, Zoran	Thom, Leonard			134			court views debts with suspicion and gives husband minimal credit for them, except for proven debt on house
Division of assets	by asset	Ross v. Ross, 2007 ABQB 167	<a href="#">Ross v. Ross</a>	2007	QB	Lee		Bozic, Zoran	Thom, Leonard			53			
s. 7(3) property	jewellery	Ross v. Ross, 2007 ABQB 167	<a href="#">Ross v. Ross</a>	2007	QB	Lee		Bozic, Zoran	Thom, Leonard		7(3)	49			judge permits wife to keep jewelry given to her by husband.

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s. 8(l) dissipation of property		Ross v. Ross, 2007 ABQB 167	<a href="#">Ross v. Ross</a>	2007	QB	Lee		Bozic, Zoran	Thom, Leonard		8(l)	137	Hauck v. Hauck, [1991] A.J. No. 1117; Cox v. Cox, [1998] A.J. No. 1282; Bzdziuch v. Bzdziuch, [2001] A.J. No. 471		Judge cites 3 factors for finding dissipation: 1. negative intention; 2. detriment to one spouse; 3. failure to account for fluctuation in assets will draw a negative inference.
s. 8(m) other	conduct	Ross v. Ross, 2007 ABQB 167	<a href="#">Ross v. Ross</a>	2007	QB	Lee		Bozic, Zoran	Thom, Leonard		8(m)	150	Layden v. Layden, [1996] A.J. No. 489		failure to protect assets can result in unequal division of assets.
s. 8(m) other	conduct	Ross v. Ross, 2007 ABQB 167	<a href="#">Ross v. Ross</a>	2007	QB	Lee		Bozic, Zoran	Thom, Leonard		8(m)	151	Lobo v. Lobo, [1999] A.J. No. 113		unwarranted financial risks can also result in unequal division of assets
Strength of s. 7(4) presumption		Ross v. Ross, 2007 ABQB 167	<a href="#">Ross v. Ross</a>	2007	QB	Lee		Bozic, Zoran	Thom, Leonard		7(4)	135			judge orders unequal division of assets based on ss. 8(l), (m). Unequal division reduces large equalization payment from wife to husband.
s. 8(m) other	disclosure	Ross v. Ross, 2007 ABQB 167	<a href="#">Ross v. Ross</a>	2007	QB	Lee		Bozic, Zoran	Thom, Leonard		8(m)	152	Cordwell v. Cordwell, [1996] A.J. No. 1127		husband forged documents and lied on affidavit.

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Costs	punitive	S.(C.) v. L.(T.), 2003 ABQB 1013	<a href="#">S.(C.) v. L.(T.)</a>	2003	QB	Topolniski		Tumbach, Dale	self			91-94			judge awards punitive costs against wife for behavior before trial.
Date of valuation	date of trial	S.(C.) v. L.(T.), 2003 ABQB 1013	<a href="#">S.(C.) v. L.(T.)</a>	2003	QB	Topolniski		Tumbach, Dale	self			13	Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113		judge states no exceptional circumstances in this case warrant moving from date of trial
Debts, excluded	legal fees	S.(C.) v. L.(T.), 2003 ABQB 1013	<a href="#">S.(C.) v. L.(T.)</a>	2003	QB	Topolniski		Tumbach, Dale	self			43	Rosario v. Rosario, September 8, 1993, Doc No. Edmonton, ABCA 14715		deducting legal fees from property ruled inappropriate
Debts, included	loans from family	S.(C.) v. L.(T.), 2003 ABQB 1013	<a href="#">S.(C.) v. L.(T.)</a>	2003	QB	Topolniski		Tumbach, Dale	self			14			wife's loans from parents conceded and included; husband's loans disputed then included
s. 8(a) contribution to marriage and family		S.(C.) v. L.(T.), 2003 ABQB 1013	<a href="#">S.(C.) v. L.(T.)</a>	2003	QB	Topolniski		Tumbach, Dale	self		8(a)	44			Wife argues for unequal distribution based on having stayed home with children. Rejected.
s. 8(l) dissipation of property		S.(C.) v. L.(T.), 2003 ABQB 1013	<a href="#">S.(C.) v. L.(T.)</a>	2003	QB	Topolniski		Tumbach, Dale	self		8(l)	36, 37		Hennesey v. Hennesey, 2005 ABQB 883	wife held to have dissipated assets that are unaccounted for. As well, held to have dissipated assets by driving up husband's legal fees.

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Assets, included	condominium	S.(E.) v. S.(J.S.), 2007 ABQB 321	<a href="#">S.(E.) v. S.(J.S.)</a>	2007	QB	Clackson		Willis, Bradley	Cochard, Renee			29			Judge recognizes condo purchased after separation belongs primarily to wife. Gives deduction for all payments toward balance before distributing equity equally.
Assets, included	RRSPs	S.(E.) v. S.(J.S.), 2007 ABQB 321	<a href="#">S.(E.) v. S.(J.S.)</a>	2007	QB	Clackson		Willis, Bradley	Cochard, Renee			21			husband's explanation re cashing out RRSP not credible. Judge rules asset is to be included as if it had not been cashed out.
Date of valuation	date of trial	S.(E.) v. S.(J.S.), 2007 ABQB 321	<a href="#">S.(E.) v. S.(J.S.)</a>	2007	QB	Clackson		Willis, Bradley	Cochard, Renee			26	Busenius v. Busenius, [2006] A.J. No. 238	Horne v. Horne, 2010 ABQB 32	judge states matrimonial debt to be valued at date of trial, just like assets.
Debts, excluded	post separation debt	S.(E.) v. S.(J.S.), 2007 ABQB 321	<a href="#">S.(E.) v. S.(J.S.)</a>	2007	QB	Clackson		Willis, Bradley	Cochard, Renee			26		Milne v. Milne, 2009 ABQB 361;	post separation debt that does not enter matrimonial regime are the responsibility solely of the person incurring said debt.
s. 8(g) oral or written agreements		S.(E.) v. S.(J.S.), 2007 ABQB 321	<a href="#">S.(E.) v. S.(J.S.)</a>	2007	QB	Clackson		Willis, Bradley	Cochard, Renee		8(g)	28			previous agreement re matrimonial home does not comply w/ s. 38 but upheld via s. 8(g)
s. 8(m) other	credibility	S.(E.) v. S.(J.S.), 2007 ABQB 321	<a href="#">S.(E.) v. S.(J.S.)</a>	2007	QB	Clackson		Willis, Bradley	Cochard, Renee		8(m)	21			judge calls husband's explanation of tax refund "incredible." equal division
Debts, excluded	legal fees	S.(K.L.) v. S.(T.E.), 2004 ABQB 728	<a href="#">S.(K.L.) v. S.(T.E.)</a>	2004	QB	Clarke		Krause, Michael	Gilbert, Peter			9			



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Debts, included	loans from family	S.(K.L.) v. S.(T.E.), 2004 ABQB 728	<a href="#">S.(K.L.) v. S.(T.E.)</a>	2004	QB	Clarke		Krause, Michael	Gilbert, Peter			9			
Method of valuation	exempt property	S.(K.L.) v. S.(T.E.), 2004 ABQB 728	<a href="#">S.(K.L.) v. S.(T.E.)</a>	2004	QB	Clarke		Krause, Michael	Gilbert, Peter		7(2)	10			defendant argues that value of property exemption would be greater if subdivision is assumed. Judge rejects this argument, stating that MPA says "market value at the time of marriage"
Method of valuation	McAllister formula	S.(K.L.) v. S.(T.E.), 2004 ABQB 728	<a href="#">S.(K.L.) v. S.(T.E.)</a>	2004	QB	Clarke		Krause, Michael	Gilbert, Peter			12			McAllister formula used.
s. 7(3)(a) tracing	cattle	S.(K.L.) v. S.(T.E.), 2004 ABQB 728	<a href="#">S.(K.L.) v. S.(T.E.)</a>	2004	QB	Clarke		Krause, Michael	Gilbert, Peter		7(3)(a)	7			current cattle traced to original cattle brought to marriage. Exemption given for price of original cattle.
Relationship b/w MPA and other acts, orders	child support order, spousal support order	S.(P.E.) v. S.(A.Z.), 2002 ABQB 904	<a href="#">S.(P.E.) v. S.(A.Z.)</a>	2002	QB	Belzil		self	Syme, Louise			51			proceeds from matrimonial home used to pay arrears in child/spousal support. No division/distribution of proceeds otherwise.
Costs	punitive	Schade v. Schade, 2000 ABQB 261	<a href="#">Schade v. Schade</a>	2000	QB	Clark		Markey, J. Joseph	Kyme, Sharon A.			41-43			Judge awarded \$40,000 punitive costs for husband's bad conduct before and during trial.

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Debts, included	occupation rent	Schade v. Schade, 2000 ABQB 261	<a href="#">Schade v. Schade</a>	2000	QB	Clark		Markey, J. Joseph	Kyme, Sharon A.		27	27			
s. 8(l) dissipation of property		Schade v. Schade, 2000 ABQB 261	<a href="#">Schade v. Schade</a>	2000	QB	Clark		Markey, J. Joseph	Kyme, Sharon A.		8(l)	29-31			
s. 8(m) other	disclosure	Schade v. Schade, 2000 ABQB 261	<a href="#">Schade v. Schade</a>	2000	QB	Clark		Markey, J. Joseph	Kyme, Sharon A.		8(m)	33			judge states he will consider husband's failure to disclose when awarding costs.
s. 37 contracting out	arbitration	Schultz v. Schultz, 2000 ABQB 866	<a href="#">Schultz v. Schultz</a>	2000	QB	Nash		Ares, Louise M	Price, Johanna		37	61			Judge denies leave to appeal arbitration decision on the issue but states that had she ruled on the issue, she would rule that arbitrator did not have to apply s. 8 factors to s. 37 contract.
Date of valuation	date of trial	Seeman v. Seeman, 2010 ABQB 30	<a href="#">Seeman v. Seeman</a>	2010	QB	Marceau		Bayrack, Dennis	self			17			husband argues for order allowing him to purchase mat. home based on date of separation. Judge refuses and sets values as of trial date.
Occupation Rent		Seeman v. Seeman, 2010 ABQB 30	<a href="#">Seeman v. Seeman</a>	2010	QB	Marceau		Bayrack, Dennis	self			15 162	Busenius v. Busenius, 2006 ABQB	Behiels v. McCarthy, 2010 ABQB 281	Judge states that retroactive spousal support covers inequality of husband living in mat. home rent free for seven yrs. and declines to award occupation rent.

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s. 7(3)(a) tracing	inheritance	Selent v. Selent [2007] A.J. No. 899	<a href="#">Selent v. Selent</a>	2007	QB	Moen		Thom, Leonard	Noel, Katie		7(3)(a)	15			judge finds amounts claimed by both spouses as inheritance went to benefiting family. Therefore lost exemption.
Assets, included	pension	Shipka v. Shipka, 2001 ABQB 135	<a href="#">Shipka v. Shipka</a>	2001	QB	Clarke		Hinz, Harold	Torok-Both, Kerry			15			judge states that it is common ground that pension will be included from trime of marriage to time of trial.
Assets, included	WCB payments	Shipka v. Shipka, 2001 ABQB 135	<a href="#">Shipka v. Shipka</a>	2001	QB	Clarke		Hinz, Harold	Torok-Both, Kerry			13			money received for injury that occurred while married considered matrimonial property.
Costs		Sittler v. Sittler, 2003 ABQB 945	<a href="#">Sittler v. Sittler</a>	2003	QB	Sanderman		self	Von Wachem, Yolanda			51			No costs ordered to avoid bankrupting husband.
Division of assets	by asset	Sittler v. Sittler, 2003 ABQB 945	<a href="#">Sittler v. Sittler</a>	2003	QB	Sanderman		self	Von Wachem, Yolanda			47-50			judge considers contributions of each spouse in dividing properties.
s. 8(a) contribution to marriage and family		Sittler v. Sittler, 2003 ABQB 945	<a href="#">Sittler v. Sittler</a>	2003	QB	Sanderman		self	Von Wachem, Yolanda		8(a)	39			judge finds that marriage was unequal
s. 8(b) contribution to business		Sittler v. Sittler, 2003 ABQB 945	<a href="#">Sittler v. Sittler</a>	2003	QB	Sanderman		self	Von Wachem, Yolanda		8(b)	37			judge finds wife underwrote all business ventures
s. 8(c) contribution to property		Sittler v. Sittler, 2003 ABQB 945	<a href="#">Sittler v. Sittler</a>	2003	QB	Sanderman		self	Von Wachem, Yolanda		8(c)	40			judge finds wife contributed solely to paying down home mortgage

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s. 8(g) oral or written agreements		Sittler v. Sittler, 2003 ABQB 945	<a href="#">Sittler v. Sittler</a>	2003	QB	Sanderman		self	Von Wachem, Yolanda		8(g)	44, 46			judge uses later agreement to trump a matrimonial property agreement signed before marriage.
s. 8(l) dissipation of property		Sittler v. Sittler, 2003 ABQB 945	<a href="#">Sittler v. Sittler</a>	2003	QB	Sanderman		self	Von Wachem, Yolanda		8(l)	49			judge finds that husband dissipated property in pursuit of business ventures.
Strength of s. 7(4) presumption		Sittler v. Sittler, 2003 ABQB 945	<a href="#">Sittler v. Sittler</a>	2003	QB	Sanderman		self	Von Wachem, Yolanda		7(4)	50			judge states "it would be unconscionable to consider an equal distribution of property."
s. 8(m) other	credibility	Sittler v. Sittler, 2003 ABQB 945	<a href="#">Sittler v. Sittler</a>	2003	QB	Sanderman		self	Von Wachem, Yolanda		8(m)	4,5,6			judge finds husband not credible. Probably a factor in an unequal division
s. 21 effect of sale of home on order for possession		Sivertsen v. Sivertsen, 2007 ABQB 610	<a href="#">Sivertsen v. Sivertsen</a>	2007	QB	Lee		Frohlich, Krista	Pearson, Nancy		21	25	Zaseybida v. Zaseybida, 2001 ABQB 640; Bennett v. Stoppler, 2003 ABQB 723		Judge states court should not order the sale of a matrimonial home if there are significant financial matters to be resolved. In this case, permits sale with holdback of money in dispute.
s. 8(l) dissipation of property		Sivertsen v. Sivertsen, 2007 ABQB 610	<a href="#">Sivertsen v. Sivertsen</a>	2007	QB	Lee		Frohlich, Krista	Pearson, Nancy		8(l)	23			husband alleges dissipation in an attempt to keep property from being sold. Judge rejects.

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Relationship b/w MPA and other acts, orders	DRA	Skworoda v. Skworoda (Estate), 2008 ABQB 240	<a href="#">Skworoda v. Skworoda (Estate)</a>	2008	QB	Moen		Jenkins, Douglas (for the estate)	Stadnyk, John			28			Wife held to have contracted out of legal obligations under DRA via s. 37 MPA.
s. 37 contracting out	settlement agreement	Smith v. Haworth 2003 ABQB 477	<a href="#">Smith v. Haworth</a>	2003	QB	Lee		Brosseau, Dorothy	Klassen, Claire		37	28	Jang v. Jang 2000 ABQB 60. Corbeil v. Bebris (1993), 141 A.R. 215		wife refuses to sign order until child support agreed upon.
s. 38 formalities		Smith v. Haworth 2003 ABQB 477	<a href="#">Smith v. Haworth</a>	2003	QB	Lee		Brosseau, Dorothy	Klassen, Claire		38	19	Jang v. Jang 2000 ABQB 607, Corbeil v. Bebris (1993), 141 A.R. 215	B.(S.L.) v. B.(G.F.), 2003 ABQB 506; Voll v. Voll 2008 ABQB 89	absence of formalities does not permit a party to resile from a s. 37 agreement.
Assets, included	lottery winnings	Souder v. Wereschuk 2004 ABCA 339	<a href="#">Souder v. Wereschuk</a>	2004	CA	Ritter	Hunt, Binder	Henderson, H.J.D.	Linton, K.S.V.	affmg. 2003 ABQB 258	7(2)	11	Noel v. Noel (1998), 217 A.R. 201, 1998 ABQB 402		
s. 8 factors	no priority to factors	Souder v. Wereschuk 2004 ABCA 339	<a href="#">Souder v. Wereschuk</a>	2004	CA	Ritter	Hunt, Binder	Henderson, H.J.D.	Linton, K.S.V.	affmg. 2003 ABQB 258	8	15	Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113	W.(S.) v.W.( J.) 2005 ABQB 728	must be some real imbalance in the contribution

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s. 8(f) property acquired while separate and apart		Souder v. Wereschuk 2004 ABCA 339	<a href="#">Souder v. Wereschuk</a>	2004	CA	Ritter	Hunt, Binder	Henderson, H.J.D.	Linton, K.S.V.	affmg. 2003 ABQB 258	8(f)	16	Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113		Court states that s. 8(f) will always be an important consideration w/lottery winnings, but the fact that it came into existence or changed character after separation does not automatically create an exemption
s. 8(l) dissipation of property		Souder v. Wereschuk 2004 ABCA 339	<a href="#">Souder v. Wereschuk</a>	2004	CA	Ritter	Hunt, Binder	Henderson, H.J.D.	Linton, K.S.V.	affmg. 2003 ABQB 258	8(l)	18	Walker v. Walker 2009 ABQB 209, Nuttall v. Rea 2005 ABQB 151, C.(D.B.) v. W.(R.M.) 2004 ABQB 954		
s. 8(m) other	disability	Souder v. Wereschuk 2004 ABCA 339	<a href="#">Souder v. Wereschuk</a>	2004	CA	Ritter	Hunt, Binder	Henderson, H.J.D.	Linton, K.S.V.	affmg. 2003 ABQB 258	8(d)	9			spouse had Crohn's disease
s. 8(m) other	disclosure	Souder v. Wereschuk 2004 ABCA 339	<a href="#">Souder v. Wereschuk</a>	2004	CA	Ritter	Hunt, Binder	Henderson, H.J.D.	Linton, K.S.V.	affmg. 2003 ABQB 258	8(m)	20			
Costs	solicitor- client	Souder v. Wereschuk, 2003 ABQB 258	<a href="#">Souder v. Wereschuk</a>	2003	QB	Marshall		Henderson, H.J.D.	Linton, K.S.V.	affmd. 2004 ABQA 339			33		solicitor/client costs awarded to penalize husband for failure to disclose, perjury and obstructive behavior
Debts, excluded	post separation debt	Souder v. Wereschuk, 2003 ABQB 258	<a href="#">Souder v. Wereschuk</a>	2003	QB	Marshall		Henderson, H.J.D.	Linton, K.S.V.	affmd. 2004 ABQA 339			18		husband's debts excluded. Judge states they "may have been incurred for legal bills or simply profligate spending"

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Issue	Subissue	Case+cite	pdf	Year	Ct	Judge	Other judges	H's lawyer	W's lawyer	Other proceedings	Sec.	Para.	Cases relied upon	Cases relying upon	Notes/facts
s. 7(2) exempt property scope of	lottery winnings	Souder v. Wereschuk, 2003 ABQB 258	<a href="#">Souder v. Wereschuk</a>	2003	QB	Marshall		Henderson, H.J.D.	Linton, K.S.V.	affmd. 2004 ABCA 339	7(2)	19	N.(R.A.) v. N.(L.A.) 1998 ABQB 402		judge relies on several s. 8 factors to award 25% of lottery winnings to wife. 7(2) argument not made at QB.
s. 8(e) duration of marriage		Souder v. Wereschuk, 2003 ABQB 258	<a href="#">Souder v. Wereschuk</a>	2003	QB	Marshall		Henderson, H.J.D.	Linton, K.S.V.	affmd. 2004 ABCA 339	8(e)	20			judge considers this factor in determining 25%/75% division
s. 8(f) property acquired while separate and apart		Souder v. Wereschuk, 2003 ABQB 258	<a href="#">Souder v. Wereschuk</a>	2003	QB	Marshall		Henderson, H.	Linton, K.	affmd. 2004 ABCA 339	8(f)	20	N.(R.A.) v. N.(L.A.) 1998 ABQB 402		Judge relies on R.A.N v. L.A.N. as precedent for consideration of this factor.
s. 8(g) oral or written agreements		Souder v. Wereschuk, 2003 ABQB 258	<a href="#">Souder v. Wereschuk</a>	2003	QB	Marshall		Henderson, H.J.D.	Linton, K.S.V.	affmd. 2004 ABCA 339	8(g)	15	Moore v. Moore 2000 ABCA 102		Agreement set aside on grounds of material misrepresentation after husband discovered to have failed to have disclosed and to have lied about \$500,000 lottery winnings.
Debts, included	loans from family	Sparrow v. Sparrow, 2006 ABCA 155	<a href="#">Sparrow v. Sparrow</a>	2006	CA	McFadyen, Ritter, Coutu		Jones, D.A.	Cooney-Burk, L.A.	rev'g. in part 2005 ABQB 216		25		Ross v. Ross, 2007 ABQB 167;	money from parents ruled to be loan, not a gift. Judge states court must be suspicious in assessing evidence from relatives post-separation.

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Debts, included	taxes	Sparrow v. Sparrow, 2006 ABCA 155	<a href="#">Sparrow v. Sparrow</a>	2006	CA	McFadyen, Ritter, Coutu		Jones, D.A.	Cooney-Burk, L.A.	rev'g. in part 2005 ABQB 216		24		Carmichael v. Carmichael, 2007 ABCA 3;	Court overturned TJ's ruling that husband's income tax liability constituted a "pattern of conduct" and was not a debt of the marriage. Court stated both parties benefit from diversion of funds. Therefore it is shared debt. Court also states there may be exceptions to this rule
s. 7(3) property		Sparrow v. Sparrow, 2006 ABCA 155	<a href="#">Sparrow v. Sparrow</a>	2006	CA	McFadyen, Ritter, Coutu		Jones, D.A.	Cooney-Burk, L.A.	rev'g. in part 2005 ABQB 216	7(3)	18			Appeal from judgment mistreating 7(3) property as 7(4) property and dividing increase equally. Ruling is 70/30 division.
s. 8 factors	no priority to factors	Sparrow v. Sparrow, 2006 ABCA 155	<a href="#">Sparrow v. Sparrow</a>	2006	CA	McFadyen, Ritter, Coutu		Jones, D.A.	Cooney-Burk, L.A.	rev'g. in part 2005 ABQB 216	8	15	Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113	J.(D.R.) v. J.(M.), 2008 ABQB 380;	Factor by factor analysis unnecessary but a judge should consider all factors raised in argument.
s. 8(a) contribution to marriage and family		Sparrow v. Sparrow, 2006 ABCA 155	<a href="#">Sparrow v. Sparrow</a>	2006	CA	McFadyen, Ritter, Coutu		Jones, D.A.	Cooney-Burk, L.A.	rev'g. in part 2005 ABQB 216	8(a)	17			Factor in division. However, husband credited with having helped out.
s. 8(c) contribution to property		Sparrow v. Sparrow, 2006 ABCA 155	<a href="#">Sparrow v. Sparrow</a>	2006	CA	McFadyen, Ritter, Coutu		Jones, D.A.	Cooney-Burk, L.A.	rev'g. in part 2005 ABQB 216	8(c)	17			Wife's contribution to property noted but stated that her contribution did not lead to increase in its value.



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Issue	Subissue	Case+cite	pdf	Year	Ct	Judge	Other judges	H's lawyer	W's lawyer	Other proceedings	Sec.	Para.	Cases relied upon	Cases relying upon	Notes/facts
s. 8(k) potential tax liability		Sparrow v. Sparrow, 2006 ABCA 155	<a href="#">Sparrow v. Sparrow</a>	2006	CA	McFadyen, Ritter, Coutu		Jones, D.A.	Cooney-Burk, L.A.	rev'g. in part 2005 ABQB 216	8(k)	20			TJ's failure to include cap. Gains liability not overruled because it was too speculative and may not be realized.
s. 8(m) other	gift	Sparrow v. Sparrow, 2006 ABCA 155	<a href="#">Sparrow v. Sparrow</a>	2006	CA	McFadyen, Ritter, Coutu		Jones, D.A.	Cooney-Burk, L.A.	rev'g. in part 2005 ABQB 216	8(m)	15		Klinck v. Klinck, 2008 ABQB 526;	Court states that it is permissible to consider whether the property was an advance on a testamentary gift.
s. 8(m) other	inflation	Sparrow v. Sparrow, 2006 ABCA 155	<a href="#">Sparrow v. Sparrow</a>	2006	CA	McFadyen, Ritter, Coutu		Jones, D.A.	Cooney-Burk, L.A.	rev'g. in part 2005 ABQB 216	8(m)	15		Klinck v. Klinck, 2008 ABQB 526;	Courts states it is permissible to consider an inflationary increase in value of property after separation when determining division.
income producing assets		Spiers v. Spiers, 2003 ABQB 830	<a href="#">Spiers v. Spiers</a>	2003	QB	Smith		McBean, Jean	Miller, Deborah.; Huizinga, Tina				Lucas v. Lucas (1982), 35 R.F.L. (2d) 216		Judge states that the capacity of assets to produce income must be considered and accounted for when dividing assets.
s. 38 formalities	independent legal advice	Sporring v. Collins, 2009 ABQB 141	<a href="#">Sporring v. Collins</a>	2009	QB	Sisson		Wanless, Gary	Thomas, Suzanne			38	134-35	Corbeil v. Bebris (1993) 105 D.L.R. (4th) 759	Judge states that there is no authority in Alta. requiring couples who enter into property agreements to obtain independent legal advice or permitting courts to set aside such agreements simply because independent legal advice was not obtained.

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s. 20 factors re matrimonial home	financial position of the parties, needs of children	Stanford v. Stanford 2005 ABQB 986	<a href="#">Stanford v. Stanford</a>	2005	QB	Lee		McDonald, Chris	Bozic, Zoran		20	21			Ex parte order giving husband exclusive possession of home overturned. Judge states that wife needs a house. Husband in better position to find housing. Grants primary residence to children as well. Husband claimed wife involved in illegal drug use, kept home in disarray.
s. 11(3) benefit received by surviving spouse.		Swanson (Estate of) (Re), 2005 ABQB 826	<a href="#">Swanson (Estate of) (Re)</a>	2005	QB	Lee		n/a	Roberts, Terry		11(3)	14			Judge notes ability to consider property distribution in favour of wife when considering estate property division.
s. 35 certificate of lis pendens		Swanson (Estate of) (Re), 2005 ABQB 826	<a href="#">Swanson (Estate of) (Re)</a>	2005	QB	Lee		n/a	Roberts, Terry		35	19	Prophet Capital Corp. v. Deer Valley Developments Ltd, 2009 ABQB 609		Lis Pendens placed on property by executors of husband's estate held to be invalid as husband had never filed or replied to MPA action by wife. Permitted to remain in place via s. 148 LTA

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Issue	Subissue	Case+cite	pdf	Year	Ct	Judge	Other judges	H's lawyer	W's lawyer	Other proceedings	Sec.	Para.	Cases relied upon	Cases relying upon	Notes/facts
Cohabitation and the MPA		Swaren v. Swaren, 2007 ABQB 193	<a href="#">Swaren v. Swaren</a>	2007	QB	Germain		Pollock, Leonard	Rand, Richard; Turner, Gregory	2008 ABQB 119; 2008 ABQA 339			Hughes v. Hughes, 2006 ABQB 468; Panara v. Di Ascenzo, 2005 ABQA 47; Nova Scotia (Attorney General) v. Walsh, 2002 SCC 83	Desimone v. Straub, 2010 ABQB 462	Despite having same last name, couple not married. Judge notes precedent for not including cohabitating couples under MPA. (this case cited as precedent for this issue and for unjust enrichment/constructive trust claims by formerly cohabitating couples)
s. 7(2) exempt property scope of	inheritance	T.(B.L.) v. T.(R.J.), 2003 ABQB 68	<a href="#">T.(B.L.) v. T.(R.J.)</a>	2003	QB	Greckol		McGrechie, Dennis	Gosselin, Diana	2003 ABQB 89	7(2)	29			Judge refuses to allow an exemption for an inheritance based on argument made by husband's counsel that they would have made similar arguments had they been informed that the argument would be made.
Strength of s. 7(4) presumption		T.(B.L.) v. T.(R.J.), 2003 ABQB 68	<a href="#">T.(B.L.) v. T.(R.J.)</a>	2003	QB	Greckol		McGrechie, Dennis	Gosselin, Diana	2003 ABQB 89	7(4)	31			interim order to pay half mortgage payment held to include 1/2 taxes and interest.
s. 37 contracting out	settlement agreement	T.(D.) v. S.(I.R.), 2002 ABQB 364	<a href="#">T.(D.) v. S.(I.R.)</a>	2002	QB	Perras		Young, Hu Elliot	Turner, Gregory D.	2002 ABQB 803	37	10			Court interventions re maintenance and support do not vitiate the agreement. Court retains jurisdiction.

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s. 37 contracting out	surplusage	T.(D.) v. S.(I.R.), 2002 ABQB 364	<a href="#">T.(D.) v. S.(I.R.)</a>	2002	QB	Perras		Young, Hu Elliot	Turner, Gregory D.	2002 ABQB 803	37	9			handwritten additions constitute surplusage and can be ignored without invalidating agreement.
Analytical framework		T.(J.G.) v. N.(T.) 2001 ABQB 949	<a href="#">T.(J.G.) v. N.(T.)</a>	2001	QB	Bensler		self	Andreiuk, G.H.	rev'd. in part 2003 ABCA 195		44			Framework: 1- matrimonial property; 2 - value; 3 - exemptions; 4 - reasons not to distribute equally
Assets, included	pension	T.(J.G.) v. N.(T.) 2001 ABQB 949	<a href="#">T.(J.G.) v. N.(T.)</a>	2001	QB	Bensler		self	Andreiuk, G.H.	rev'd. in part 2003 ABCA 195		46	McAlister v. McAlister (1982), 41 A.R. 277		judge states "always difficult issue" divisible under a McAlister order but doesn't include in matrimonial property
Cohabitation	s. 7(2) property	T.(J.G.) v. N.(T.) 2001 ABQB 949	<a href="#">T.(J.G.) v. N.(T.)</a>	2001	QB	Bensler		self	Andreiuk, G.H.	rev'd. in part 2003 ABCA 195		48	Trenchie v. Trenchie 1987 12 R.F.L. (3d) 357, Brand v. Brand (1996), 186 A.R. 205		cohabitation period included in pension division
Cohabitation and the MPA		T.(J.G.) v. N.(T.) 2001 ABQB 949	<a href="#">T.(J.G.) v. N.(T.)</a>	2001	QB	Bensler		self	Andreiuk, G.H.	rev'd. in part 2003 ABCA 195		48	Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113		cohabitation period included in pension division
Costs		T.(J.G.) v. N.(T.) 2001 ABQB 949	<a href="#">T.(J.G.) v. N.(T.)</a>	2001	QB	Bensler		self	Andreiuk, G.H.	rev'd. in part 2003 ABCA 195	8(j)	61			judge reverses prior order to fund lawsuit
s. 36(1) presumption of advancement		T.(J.G.) v. N.(T.) 2001 ABQB 949	<a href="#">T.(J.G.) v. N.(T.)</a>	2001	QB	Bensler		self	Andreiuk, G.H.	rev'd. in part 2003 ABCA 195	36(1)	55	Jackson v. Jackson (1989), 97 A.R. 153		

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s. 8 factors	no priority to factors	T.(J.G.) v. N.(T.) 2001 ABQB 949	<a href="#">T.(J.G.) v. N.(T.)</a>	2001	QB	Bensler		self	Andreiuk, G.H.	rev'd. in part 2003 ABCA 195	8	58	Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113		
s. 8(j) prior order made by court		T.(J.G.) v. N.(T.) 2001 ABQB 949	<a href="#">T.(J.G.) v. N.(T.)</a>	2001	QB	Bensler		self	Andreiuk, G.H.	rev'd. in part 2003 ABCA 195	8(j)	61			judge reverses prior order to fund lawsuit
s. 8(k) potential tax liability	valuation of assets	T.(J.G.) v. N.(T.) 2001 ABQB 949	<a href="#">T.(J.G.) v. N.(T.)</a>	2001	QB	Bensler		self	Andreiuk, G.H.	rev'd. in part 2003 ABCA 195	8(k)	44			judge states rule is that property must assessed at after tax value
Assets, included	foreign property	T.(S.A.) v. T.(A.A.), 2004 ABQB 36	<a href="#">T.(S.A.) v. T.(A.A.)</a>	2004	QB	Lee		Kiriak, Jerry	Hardin, Zelma	2004 ABQB 127		97, 186			judge states that husband has placed property beyond his jurisdiction but orders equal distribution of all property held prior to transfer
Assets, included	furnishings	T.(S.A.) v. T.(A.A.), 2004 ABQB 36	<a href="#">T.(S.A.) v. T.(A.A.)</a>	2004	QB	Lee		Kiriak, Jerry	Hardin, Zelma	2004 ABQB 127		133			husband charges wife with bad conduct based on her sending furniture to mother in Saudi Arabia. Judge notes that after order forbidding transfer, no further furniture was transferred.
conduct	post separation	T.(S.A.) v. T.(A.A.), 2004 ABQB 36	<a href="#">T.(S.A.) v. T.(A.A.)</a>	2004	QB	Lee		Kiriak, Jerry	Hardin, Zelma	2004 ABQB 127		133			husband's attempts to place property beyond reach of spouse noted in several places, as was failure to disclose or provide evidence to support claims. Husband attempted to highlight bad conduct of wife based on her sending furniture to mother in Saudi Arabia.

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s. 10 return of gift or property		T.(S.A.) v. T.(A.A.), 2004 ABQB 36	<a href="#">T.(S.A.) v. T.(A.A.)</a>	2004	QB	Lee		Kiriak, Jerry	Hardin, Zelma	2004 ABQB 127	10	121			judge notes power of court to order property to be returned
s. 7(2) exempt property scope of	evidence	T.(S.A.) v. T.(A.A.), 2004 ABQB 36	<a href="#">T.(S.A.) v. T.(A.A.)</a>	2004	QB	Lee		Kiriak, Jerry	Hardin, Zelma	2004 ABQB 127	7(2)	105	Belgiorgio v. Belgiorgio (2000) O.J. No. 3246		Judge draws adverse inference based on failure of husband to provide evidence that certain property falls under s. 7(2) and can be traced.
s. 7(3)(a) tracing		T.(S.A.) v. T.(A.A.), 2004 ABQB 36	<a href="#">T.(S.A.) v. T.(A.A.)</a>	2004	QB	Lee		Kiriak, Jerry	Hardin, Zelma	2004 ABQB 127	7(3)(a)	104	Harrower v. Harrower [1989] A.J. No. 629; Jackson v. Jackson [1989] A.J. No. 630		Judge states that some assumption of tracing is permitted but must be supported with evidence re source of money.
s. 8(h) gifts and transfers to 3 <sup>rd</sup> parties		T.(S.A.) v. T.(A.A.), 2004 ABQB 36	<a href="#">T.(S.A.) v. T.(A.A.)</a>	2004	QB	Lee		Kiriak, Jerry	Hardin, Zelma	2004 ABQB 127	8(h)	119			gift to daughter and mother held to be dissipation of property
s. 8(l) dissipation of property		T.(S.A.) v. T.(A.A.), 2004 ABQB 36	<a href="#">T.(S.A.) v. T.(A.A.)</a>	2004	QB	Lee		Kiriak, Jerry	Hardin, Zelma	2004 ABQB 127	8(l)	118, 159, m	Cox v. Cox 1998 ABQB 987		dissipation held to include wilful deception to divest spouse of interest in property

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s. 8(m) other	disclosure	T.(S.A.) v. T.(A.A.), 2004 ABQB 36	<a href="#">T.(S.A.) v. T.(A.A.)</a>	2004	QB	Lee		Kiriak, Jerry	Hardin, Zelma	2004 ABQB 127	8(m)	111, 121			judge notes that s. 8(m) is a factor, notes failure to be truthful with immigration, failure to comply with court requests, failure to disclose

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Corporate assets	"lifting the corporate veil"	T.(S.L.) v. T.(A.K.), 2007 ABQB 701 a.k.a. Tarapaski v. Tarapaski	<a href="#">T.(S.L.) v. T.(A.K.)</a>	2007	QB	Veit		Beresh, Brian; Skovberg, Doug; Barker, Christine	Foster, Ronald; Picard, Norm	Tycholis v. Teem Energy Ltd., 2007 ABCA 219; Tarapaski v. Tarapaski 2006 ABCA 253; 2006 ABCA 314; 2006 ABQB 86; 2007 ABQB 179; 2007 ABQB 286; 2007 ABQB 288; 2009 ABCA 58; 2009 ABCA 212; 2009 ABCA 365; 2010 ABCA 170; T.(S.L.) v. T.(A.K.), 2007 ABQB 81; 2007 ABQB 322; 2007 ABQB 409; 2007 ABQB 446; 2007 ABQB 700; 2007 ABQB 770; 2008 ABQB 22; 2008 ABQB 76; 2008 ABQB 156; 2008 ABQB 174; 2008 ABQB 196; 2008 ABQB 308; 2008 ABQB 449; 2008 ABQB 450; 2009 ABQB 134; 2009 ABQB 290; 2009 ABQB 473; 2010 ABQB 121; Skovberg Hinz v. Tarapaski, 2009 ABQB 272			Wildman v. Wildman, 2006 CarswellOnt 6042; Lynch v. Segal, 2006 CarswellOnt 7929		Award property owned by corp. to husband for purposes of mat. prop. distribution.



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Corporate assets	"lifting the corporate veil"	T.(S.L.) v. T.(A.K.), 2007 ABQB 701 a.k.a. <i>Tarapaski v. Tarapaski</i>	<a href="#">T.(S.L.) v. T.(A.K.)</a>	2007	QB	Veit		Beresh, Brian; Skovberg, Doug; Barker, Christine	Foster, Ronald; Picard, Norm	Tycholis v. Teem Energy Ltd., 2007 ABCA 219; Tarapaski v. Tarapaski 2006 ABCA 253; 2006 ABCA 314; 2006 ABQB 86; 2007 ABQB 179; 2007 ABQB 286; 2007 ABQB 288; 2009 ABCA 58; 2009 ABCA 212; 2009 ABCA 365; 2010 ABCA 170; T.(S.L.) v. T.(A.K.), 2007 ABQB 81; 2007 ABQB 322; 2007 ABQB 409; 2007 ABQB 446; 2007 ABQB 700; 2007 ABQB 770; 2008 ABQB 22; 2008 ABQB 76; 2008 ABQB 156; 2008 ABQB 174; 2008 ABQB 196; 2008 ABQB 308; 2008 ABQB 449; 2008 ABQB 450; 2009 ABQB 134; 2009 ABQB 290; 2009 ABQB 473; 2010 ABQB 121; Skovberg Hinz v. Tarapaski, 2009 ABQB 272						court states that certain properties are a funnel for income for parties and includes their assets in property division.

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Corporate assets		T.(S.L.) v. T.(A.K.), 2007 ABQB 701 a.k.a. Tarapaski v. Tarapaski	<a href="#">T.(S.L.) v. T.(A.K.)</a>	2007	QB	Veit		Beresh, Brian; Skovberg, Doug; Barker, Christine	Foster, Ronald; Picard, Norm	Tycholis v. Teem Energy Ltd., 2007 ABCA 219; Tarapaski v. Tarapaski 2006 ABCA 253; 2006 ABCA 314; 2006 ABQB 86; 2007 ABQB 179; 2007 ABQB 286; 2007 ABQB 288; 2009 ABCA 58; 2009 ABCA 212; 2009 ABCA 365; 2010 ABCA 170; T.(S.L.) v. T.(A.K.), 2007 ABQB 81; 2007 ABQB 322; 2007 ABQB 409; 2007 ABQB 446; 2007 ABQB 700; 2007 ABQB 770; 2008 ABQB 22; 2008 ABQB 76; 2008 ABQB 156; 2008 ABQB 174; 2008 ABQB 196; 2008 ABQB 308; 2008 ABQB 449; 2008 ABQB 450; 2009 ABQB 134; 2009 ABQB 290; 2009 ABQB 473; 2010 ABQB 121; Skovberg Hinz v. Tarapaski, 2009 ABQB 272			Wildman v. Wildman, 2006 CarswellOnt 59 6042		Judge states how spouse sets up business affairs is a factor in resolving financial issues of MPA action but that it is not the controlling factor.

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Distribution of assets	income-producing asset	T.(S.L.) v. T.(A.K.), 2007 ABQB 701 a.k.a. Tarapaski v. Tarapaski	<a href="#">T.(S.L.) v. T.(A.K.)</a>	2007	QB	Veit		Beresh, Brian; Skovberg, Doug; Barker, Christine	Foster, Ronald; Picard, Norm	Tycholis v. Teem Energy Ltd., 2007 ABCA 219; Tarapaski v. Tarapaski 2006 ABCA 253; 2006 ABCA 314; 2006 ABQB 86; 2007 ABQB 179; 2007 ABQB 286; 2007 ABQB 288; 2009 ABCA 58; 2009 ABCA 212; 2009 ABCA 365; 2010 ABCA 170; T.(S.L.) v. T.(A.K.), 2007 ABQB 81; 2007 ABQB 322; 2007 ABQB 409; 2007 ABQB 446; 2007 ABQB 700; 2007 ABQB 770; 2008 ABQB 22; 2008 ABQB 76; 2008 ABQB 156; 2008 ABQB 174; 2008 ABQB 196; 2008 ABQB 308; 2008 ABQB 449; 2008 ABQB 450; 2009 ABQB 134; 2009 ABQB 290; 2009 ABQB 473; 2010 ABQB 121; Skovberg Hinz v. Tarapaski, 2009 ABQB 272						Wife requests in specie distribution of corp. property. Judge refuses stating it would be inequitable to do so. Orders liquidation of property for purposes of distribution.

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s. 8(l) dissipation of property		T.(S.L.) v. T.(A.K.), 2007 ABQB 701 <i>a.k.a.</i> <i>Tarapaski</i> v. <i>Tarapaski</i>	<a href="#">T.(S.L.) v. T.(A.K.)</a>	2007	QB	Veit		Beresh, Brian; Skovberg, Doug; Barker, Christine	Foster, Ronald; Picard, Norm	Tycholis v. Teem Energy Ltd., 2007 ABCA 219; Tarapaski v. Tarapaski 2006 ABCA 253; 2006 ABCA 314; 2006 ABQB 86; 2007 ABQB 179; 2007 ABQB 286; 2007 ABQB 288; 2009 ABCA 58; 2009 ABCA 212; 2009 ABCA 365; 2010 ABCA 170; T.(S.L.) v. T.(A.K.), 2007 ABQB 81; 2007 ABQB 322; 2007 ABQB 409; 2007 ABQB 446; 2007 ABQB 700; 2007 ABQB 770; 2008 ABQB 22; 2008 ABQB 76; 2008 ABQB 156; 2008 ABQB 174; 2008 ABQB 196; 2008 ABQB 308; 2008 ABQB 449; 2008 ABQB 450; 2009 ABQB 134; 2009 ABQB 290; 2009 ABQB 473; 2010 ABQB 121; Skovberg Hinz v. Tarapaski, 2009 ABQB 272	8(l)	58 410	Burger v. Burger, 1987 CarswellAlta		judge states any consideration of dissipation must begin with analysis of behavior prior to separation.

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s. 8 factors	interim distribution	T.(S.L.) v. T.(A.K.), 2007 ABQB 81 <i>a.k.a. Tarapaski v. Tarapaski</i>	<a href="#">T.(S.L.) v. T.(A.K.)</a>	2007	QB	Veit		Skovberg, Doug; Hinz, Harold	Foster, Ronald	Tycholis v. Teem Energy Ltd., 2007 ABCA 219; Tarapaski v. Tarapaski 2006 ABCA 253; 2006 ABCA 314; 2006 ABQB 86; 2007 ABQB 179; 2007 ABQB 286; 2007 ABQB 288; 2009 ABCA 58; 2009 ABCA 212; 2009 ABCA 365; 2010 ABCA 170; T.(S.L.) v.T.(A.K.) 2007 ABQB 322; 2007 ABQB 409; 2007 ABQB 446; 2007 ABQB 700; 2007 ABQB 701; 2007 ABQB 770; 2008 ABQB 22; 2008 ABQB 76; 2008 ABQB 156; 2008 ABQB 174; 2008 ABQB 196; 2008 ABQB 308; 2008 ABQB 449; 2008 ABQB 450; 2009 ABQB 134; 2009 ABQB 290; 2009 ABQB 473; 2010 ABQB 121; Skovberg Hinz v. Tarapaski, 2009 ABQB 272					husband argues s. 8 factors should be considered before making interim distribution. Judge refuses, stating that there are sufficient assets to compensate the distribution at trial if an unequal distribution is mandated then.

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s. 9 distribution	interim distribution	T.(S.L.) v. T.(A.K.), 2007 ABQB 81 a.k.a. Tarapaski v. Tarapaski	<a href="#">T.(S.L.) v. T.(A.K.)</a>	2007	QB	Veit		Skovberg, Doug; Hinz, Harold	Foster, Ronald	Tycholis v. Teem Energy Ltd., 2007 ABCA 219; Tarapaski v. Tarapaski 2006 ABCA 253; 2006 ABCA 314; 2006 ABQB 86; 2007 ABQB 179; 2007 ABQB 286; 2007 ABQB 288; 2009 ABCA 58; 2009 ABCA 212; 2009 ABCA 365; 2010 ABCA 170; T.(S.L.) v.T.(A.K.) 2007 ABQB 322; 2007 ABQB 409; 2007 ABQB 446; 2007 ABQB 700; 2007 ABQB 701; 2007 ABQB 770; 2008 ABQB 22; 2008 ABQB 76; 2008 ABQB 156; 2008 ABQB 174; 2008 ABQB 196; 2008 ABQB 308; 2008 ABQB 449; 2008 ABQB 450; 2009 ABQB 134; 2009 ABQB 290; 2009 ABQB 473; 2010 ABQB 121; Skovberg Hinz v. Tarapaski, 2009 ABQB 272			Katz v. Katz [1993] A.J. No. 554; Barnes v Barnes 2006 ABQB 855		Wife asks for interim distribution of 50% of shares of husband's company on a shotgun buy-sell agreement basis. Allowed based on s. 9(3) and inherent jurisdiction of the court. <i>Judge notes that there is little caselaw on authority of the court to order interim distributions .</i>

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Standing	3rd party	T.(S.L.) v. T.(A.K.), 2007 ABQB 81 a.k.a. Tarapaski v. Tarapaski	<a href="#">T.(S.L.) v. T.(A.K.)</a>	2007	QB	Veit		Beresh, Brian; Skovberg, Doug; Barker, Christine	Foster, Ronald; Picard, Norm	Tycholis v. Teem Energy Ltd., 2007 ABCA 219; Tarapaski v. Tarapaski 2006 ABCA 253; 2006 ABCA 314; 2006 ABQB 86; 2007 ABQB 179; 2007 ABQB 286; 2007 ABQB 288; 2009 ABCA 58; 2009 ABCA 212; 2009 ABCA 365; 2010 ABCA 170; T.(S.L.) v.T.(A.K.) 2007 ABQB 322; 2007 ABQB 409; 2007 ABQB 446; 2007 ABQB 700; 2007 ABQB 701; 2007 ABQB 770; 2008 ABQB 22; 2008 ABQB 76; 2008 ABQB 156; 2008 ABQB 174; 2008 ABQB 196; 2008 ABQB 308; 2008 ABQB 449; 2008 ABQB 450; 2009 ABQB 134; 2009 ABQB 290; 2009 ABQB 473; 2010 ABQB 121; Skovberg Hinz v. Tarapaski, 2009 ABQB 272						Husband's company added as 3rd party to proceedings

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Assets, included	pension	Tabata v. Smith, 2001 ABQB 776	<a href="#">Tabata v. Smith</a>	2001	QB	Bensler		Forsyth-Nicholson, R.	Castle, D.; Hoffman, J.M.			33	McAlister v. McAlister (1982), 41 A.R. 277		Judge uses formula from McAlister: 1/2 the value multiplied by the ratio rep. by years of service during marriage divided by total years of service.
Assets, included	severance package	Tabata v. Smith, 2001 ABQB 776	<a href="#">Tabata v. Smith</a>	2001	QB	Bensler		Forsyth-Nicholson, R.	Castle, D.; Hoffman, J.M.			35	Sutton v. Davidson 1999 ABCA 280	Hughes v. Hughes, 2006 ABQB 468	judge considers whether severance pkg. is income or property. Rules that it is property because it was immediately rolled into an RRSP
s. 36(1) presumption of advancement		Tabata v. Smith, 2001 ABQB 776	<a href="#">Tabata v. Smith</a>	2001	QB	Bensler		Forsyth-Nicholson, R.	Castle, D.; Hoffman, J.M.		36(1)	29			Rebutted. Wife unsuccessfully argued that down payment on property placed in husband's name but used exclusively as a matrimonial home was intended as a gift to her.
s. 8(m) other	proximity to termination of marriage	Tabata v. Smith, 2001 ABQB 776	<a href="#">Tabata v. Smith</a>	2001	QB	Bensler		Forsyth-Nicholson, R.	Castle, D.; Hoffman, J.M.		8(m)	37			receipt of severance pkg. 1 mo. Before leaving marriage results in unequal distribution.
Corporate assets valuation	parts and equipment	Taferner v. Taferner, 2005 ABQB 475	<a href="#">Taferner v. Taferner</a>	2005	QB	Gill		self	Gordon, Marie			15			husband refuses to provide list of corp. assets for valuation by wife. Judge accepts evidence of wife's expert who values corp. according to recent taxes.
Costs	punitive	Taferner v. Taferner, 2005 ABQB 475	<a href="#">Taferner v. Taferner</a>	2005	QB	Gill		self	Gordon, Marie			30			punitive costs charged against husband on basis of failure to cooperate.



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s. 37 contracting out	prenuptial agreement	Tardif v. Campbell, 2008 ABQB 776	<a href="#">Tardif v. Campbell</a>	2008	QB	Erb		Wise, J.	Dunais, P.L.		37	26			Court states that the following factors may result in invalidating a s. 37 agreement: duress, undue influence, concealed facts.
s. 37 contracting out	prenuptial agreement	Tardif v. Campbell, 2008 ABQB 776	<a href="#">Tardif v. Campbell</a>	2008	QB	Erb		Wise, J.	Dunais, P.L.		37	31-35		Melnyk v. Melnyk, 2010 MBQB 121	Proximity of agreement to wedding date is not a form of duress sufficient to negate consent.
s. 38 formalities	independent legal advice	Tardif v. Campbell, 2008 ABQB 776	<a href="#">Tardif v. Campbell</a>	2008	QB	Erb		Wise, J.	Dunais, P.L.		38	25, 46	Corbeil v. Bebris (1993), 49 R.F.L. (3d) 77		Failure to have independent legal advice does not nullify an agreement. Court finds neither duress nor lack of sufficiency in disclosure. Upholds agreement.
Assets, excluded	post-separation property	Thompson v. Thompson, 2006 ABQB 796	<a href="#">Thompson v. Thompson</a>	2006	QB	Read		Boulton, John D'Arcy	self	2007 ABQB 715		43			long separation (18 yrs.) between separation and division results in judge ruling all property acquired post-separation to be excluded.
Division of assets	by asset	Thompson v. Thompson, 2006 ABQB 796	<a href="#">Thompson v. Thompson</a>	2006	QB	Read		Boulton, John D'Arcy	self	2007 ABQB 715		62			long separation results in different division of different pieces of property.
s. 8(f) property acquired while separate and apart		Thompson v. Thompson, 2006 ABQB 796	<a href="#">Thompson v. Thompson</a>	2006	QB	Read		Boulton, John D'Arcy	self	2007 ABQB 715	8(f)	44		Gardner v. Gardner, 2008 ABQB 527	long separation (18 yrs.) between separation and division results in judge ruling all property acquired post-separation to be excluded.

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s. 8(l) dissipation of property		Thompson v. Thompson, 2006 ABQB 796	<a href="#">Thompson v. Thompson</a>	2006	QB	Read		Boulton, John D'Arcy	self	2007 ABQB 715	8(l)	47			wife argues dissipation of property during separation. Judge rejects.
Strength of s. 7(4) presumption		Thompson v. Thompson, 2006 ABQB 796	<a href="#">Thompson v. Thompson</a>	2006	QB	Read		Boulton, John D'Arcy	self	2007 ABQB 715	7(4)	62			judge departs from presumption of equal distribution for some property
Assets, included	cattle	Thurber v. Thurber, 2001 ABQB 908	<a href="#">Thurber v. Thurber</a>	2001	QB	Perras		Gish, Corey L.	Mandick, James W.			27			value of cattle exempt only to extent that it could be traced to debt owed to father. Non-traceable portion included.
Debts, excluded	loans from family	Thurber v. Thurber, 2001 ABQB 908	<a href="#">Thurber v. Thurber</a>	2001	QB	Perras		Gish, Corey L.	Mandick, James W.			20			judge finds loans from parents fall outside Limitations period and "look more like gifts."
Occupation Rent		Thurber v. Thurber, 2001 ABQB 908	<a href="#">Thurber v. Thurber</a>	2001	QB	Perras		Gish, Corey L.	Mandick, James W.			16	Kazmierczak v. Kazmierczak 2001 ABQB 610		Judge uses Kazmierczak as precedent for finding that claim for occupation rent not justified.
s. 36(2)(a) presumption of joint ownership		Thurber v. Thurber, 2001 ABQB 908	<a href="#">Thurber v. Thurber</a>	2001	QB	Perras		Gish, Corey L.	Mandick, James W.		36(1)	25			Husband claims property put in both names only for purposes of getting a loan. Rejected.

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Assets, exempt	insurance money	Tinant v. Tinant, 2001 ABQB 889	<a href="#">Tinant v. Tinant</a>	2001	QB	Dea		Pollock, Michael	Ares, Louise M	See also 540613 Alberta Ltd. (Bankruptcy of) (Re), 2002 ABQB 1047		23			judge refuses to give exemption for full value of property damaged by fire and reduces exemption by amount of insurance money paid for damage.
s. 7(3)(a) tracing	property	Tinant v. Tinant, 2001 ABQB 889	<a href="#">Tinant v. Tinant</a>	2001	QB	Dea		Pollock, Michael	Ares, Louise M	See also 540613 Alberta Ltd. (Bankruptcy of) (Re), 2002 ABQB 1047	7(3)(a)	33	Hughes v. Hughes, 1998 ABCA 409		judge states that amount of sale of property and insurance proceeds cannot be traced to a specific assets so exempt status was lost.
Definition of Property	bankruptcy	Tinant v. Tinant, 2003 ABCA 211	<a href="#">Tinant v. Tinant</a>	2003	CA	Ritter		self	Ares, Louise M	affmg. 2004 ABQB 908		18	Lecerf v. Lecerf, 2004 ABQB 501; Kopr v. Kopr, 2006 ABQB 405; Moore (Bankrupt) (Re), 2006 ABQB 581; Dhala v. Dhala, 2008 ABCA 259; Deloitte and Touche Inc. v. Etsell, 2009 SKQB 226; Cunningham (Re), 2009 ABQB 758		Definition of property does not include right to commence or carry on actions under MPA if bankrupt. Judge notes need to beware of collusion between spouses in bringing MPA claim and trying to place property out of reach of creditors.
Equity - fit with MPA		Tinant v. Tinant, 2003 ABCA 211	<a href="#">Tinant v. Tinant</a>	2003	CA	Ritter		self	Ares, Louise M	affmg. 2004 ABQB 908		18			States that MPA permits judges to take equitable principles into account but that once done they must make an order distributing matrimonial property

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Purpose of the MPA		Tinant v. Tinant, 2003 ABCA 211	<a href="#">Tinant v. Tinant</a>	2003	CA	Ritter		self	Ares, Louise M	affmg. 2004 ABQB 908		18			Overtuns Deloitte, Haskins & Sells Ltd. v. Graham (1983), 42 A.R. 76 by stating that purpose of MPA is distribution of matrimonial property and does not confer a special status on matrimonial property or permit a bankrupt to commence or carry on own actions under MPA.
Relationship b/w MPA and other acts, orders	BIA	Tinant v. Tinant, 2003 ABCA 211	<a href="#">Tinant v. Tinant</a>	2003	CA	Ritter		self	Ares, Louise M	affmg. 2004 ABQB 908		21			concludes that an order relating to property falls under s. 30(1)(d) BIA and falls w/in exclusive capacity of trustee, including matrimonial property orders.
Date of valuation	date of trial	Tocker v. Tocker [2000] A.J. No. 978	<a href="#">Tocker v. Tocker</a>	2000	QB	Nash		self	McSween, J.			52	McWilliam v. McWilliam (1989), 23 R.F.L. (3d) 265, McGregor v. McGregor (1996), 183 A.R. 263, McAllister v. McAllister (1997), 201 A.R. 287	Kazmierczak v. Kazmierczak, 2001 ABQB 610	Judge reviews several instances of relevant caselaw (beyond Mazurenko) re this issue before determining that "the general rule in Alberta" is date of trial.

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Distribution of assets	in specie	Tocker v. Tocker [2000] A.J. No. 978	<a href="#">Tocker v. Tocker</a>	2000	QB	Nash		self	McSween, J.			75			judge gives each claimant one property and vehicle.
s. 8(l) dissipation of property		Tocker v. Tocker [2000] A.J. No. 978	<a href="#">Tocker v. Tocker</a>	2000	QB	Nash		self	McSween, J.		8(l)	77			Judge states that each party has dissipated property. Subsequently orders unequal division based on s. 8(1).
Corporate assets	debt	Toews v. Toews 2005 CarswellAlt a 1885	<a href="#">Toews v. Toews</a>	2005	QB	Cairns		Pantony, Red	self			36			judge allows only a 50/% recovery rate on indebtedness
Debts, excluded	corporate debt	Toews v. Toews 2005 CarswellAlt a 1885	<a href="#">Toews v. Toews</a>	2005	QB	Cairns		Pantony, Red	self			36(3)			states this liability is only potential and is personal to husband as a result of his sole decision-making.
Debts, excluded	corporate guarantees	Toews v. Toews 2005 CarswellAlt a 1885	<a href="#">Toews v. Toews</a>	2005	QB	Cairns		Pantony, Red	self			36(2)			States corp. guarantees are strictly personal
Distribution of assets	in specie	Toews v. Toews 2005 CarswellAlt a 1885	<a href="#">Toews v. Toews</a>	2005	QB	Cairns		Pantony, Red	self			36(4)			judge distributes specific assets to wife in order to decrease amt. of equalization payment

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s. 8(a) contribution to marriage and family		Toews v. Toews 2005 CarswellAlt a 1885	<a href="#">Toews v. Toews</a>	2005	QB	Cairns		Pantony, Red	self		8(a)	3			
s. 8(d) income, earning capacity, liabilities, obligations, other resources		Toews v. Toews 2005 CarswellAlt a 1885	<a href="#">Toews v. Toews</a>	2005	QB	Cairns		Pantony, Red	self		8(d)	3			
s. 8(e) duration of marriage		Toews v. Toews 2005 CarswellAlt a 1885	<a href="#">Toews v. Toews</a>	2005	QB	Cairns		Pantony, Red	self		8(e)	3			
Strength of s. 7(4) presumption		Toews v. Toews 2005 CarswellAlt a 1885	<a href="#">Toews v. Toews</a>	2005	QB	Cairns		Pantony, Red	self		7(4)	4			judge does not appear to start from the presumption but states instead how he reached the decision to divide assets equally
Assets, exempt	depreciated asset	Troppmann v. Troppmann, 2000 ABQB 61	<a href="#">Troppmann v. Troppmann</a>	2000	QB	Johnstone		Stothert-Kennedy, Brenda L.	Hostyn, Cheryl L.			37	Almeida v. Almeida, (1995), 11 R.F.L. (4th) 131	B.(S.I.) v. B.(M.D.), 2006 ABQB 557; Lovich v. Lovich, 2006 ABQB 736	exempt value of a depreciated asset is the prorated amount of value of the current asset.
s. 36(1) presumption of advancement	money	Troppmann v. Troppmann, 2000 ABQB 61	<a href="#">Troppmann v. Troppmann</a>	2000	QB	Johnstone		Stothert-Kennedy, Brenda L.	Hostyn, Cheryl L.		36(2)(a)	24	Timms v. Timms (1997), 203 A.R. 81		money deposited into a joint account as a conduit for the purchase of an asset retains exempt character. S. 36(2) presumption rebutted.

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s. 8(g) oral or written agreements		Troppmann v. Troppmann, 2000 ABQB 61	<a href="#">Troppmann v. Troppmann</a>	2000	QB	Johnstone		Stothert-Kennedy, Brenda L.	Hostyn, Cheryl L.		8(g)	32			prior (oral?) agreement by spouses used to support equal division of house

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Relationship b/w MPA and other acts, orders	CEA	Tycholis v. Teem Energy Ltd., 2007 ABCA 219	<a href="#">Tycholis v. Teem Energy Ltd.</a>	2007	CA	Coté, Hunter, Ritter		White, R.B.	n/a	Tarapaski v. Tarapaski 2006 ABCA 253; 2006 ABCA 314; 2006 ABQB 86; 2007 ABQB 179; 2007 ABQB 286; 2007 ABQB 288; 2009 ABCA 58; 2009 ABCA 212; 2009 ABCA 365; 2010 ABCA 170; S.L.T. v. A.K.T. 2007 ABQB 81; 2007 ABQB 322; 2007 ABQB 409; 2007 ABQB 446; 2007 ABQB 700; 2007 ABQB 701; 2007 ABQB 770; 2008 ABQB 22; 2008 ABQB 76; 2008 ABQB 156; 2008 ABQB 174; 2008 ABQB 196; 2008 ABQB 308; 2008 ABQB 449; 2008 ABQB 450; 2009 ABQB 134; 2009 ABQB 290; 2009 ABQB 473; 2010 ABQB 121; Skovberg Hinz v. Tarapaski, 2009 ABQB 272			26			Court states MPA does not override fundamental principles of s. 17(2)(b)(i).



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Assets, excluded	severance, RRSP	Underhill v. Underhill, 2005 ABQB 777	<a href="#">Underhill v. Underhill</a>	2005	QB	Clackson		Cameron, Tamara	Bayrack, Dennis			29			judge states that certain assets captured in spousal/child support claims and to include in matrimonial assets would amount to double dipping.
Assets, included	matrimonial home	Underhill v. Underhill, 2005 ABQB 777	<a href="#">Underhill v. Underhill</a>	2005	QB	Clackson		Cameron, Tamara	Bayrack, Dennis			24			judge awards 60/40 split of equity based on fact that husband has continued to make payments toward home and fact that house was purchased only 2 yrs. before separation (???)
Cohabitation		Underhill v. Underhill, 2005 ABQB 777	<a href="#">Underhill v. Underhill</a>	2005	QB	Clackson		Cameron, Tamara	Bayrack, Dennis			27			Couple lived together then separated for 6 mos. then lived together again before getting married. Judge dates wife's share of husband's pension from when they lived together after separation.
Corporate assets valuation	double dipping	Underhill v. Underhill, 2005 ABQB 777	<a href="#">Underhill v. Underhill</a>	2005	QB	Clackson		Cameron, Tamara	Bayrack, Dennis			29			judge states that certain assets captured in spousal/child support claims and to include in matrimonial assets would amount to double dipping.
Date of division	date of cohabitation	Underhill v. Underhill, 2005 ABQB 777	<a href="#">Underhill v. Underhill</a>	2005	QB	Clackson		Cameron, Tamara	Bayrack, Dennis			27			Couple lived together then separated for 6 mos. then lived together again before getting married. Judge dates wife's share of husband's pension from when they lived together after separation.

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Method of valuation	McAllister formula	Underhill v. Underhill, 2005 ABQB 777	<a href="#">Underhill v. Underhill</a>	2005	QB	Clackson		Cameron, Tamara	Bayrack, Dennis			27			judge uses McAllister formula to determine pension division, noting that because couple was separated for 6 mos. during cohabitation, division would begin after that separation.
Occupation Rent		Underhill v. Underhill, 2005 ABQB 777	<a href="#">Underhill v. Underhill</a>	2005	QB	Clackson		Cameron, Tamara	Bayrack, Dennis			21-22	Hantel v. Hilscher 2000 ABCA 84; Kazmierczak v. Kazmierczak 2001 ABQB 610		judge declines to award occupation rent against husband.
standing	3rd party	Underhill v. Underhill, 2005 ABQB 777	<a href="#">Underhill v. Underhill</a>	2005	QB	Clackson		Cameron, Tamara	Bayrack, Dennis			25			judge states husband's 2 yr. CL wife may have an interest in home but is realizable only against husband's interest.
Property interest	corporation	Uniserve International Products Inc. v. Alberta Treasury Branches 2003 CarswellAlta 880	<a href="#">Uniserve International Products Inc. v. Alberta Treasury Branches</a>	2003	QB	Park		n/a	n/a			22			Judge states that wife has property interest in corporation by virtue of MPA despite fact that there appears to be no matrimonial dispute between the spouses (does wife fit under def. of spouse in 1(e)?).
Assets, included	lottery winnings	Unser v. Unser, 2002 ABQB 634	<a href="#">Unser v. Unser</a>	2002	QB	Burrows		MacKay, Michelle L.	Colquhoun, I. Thomas			19			lottery winnings included for purposes of distribution, subject to s. 8 factors.

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Costs	conduct	Unser v. Unser, 2002 ABQB 634	<a href="#">Unser v. Unser</a>	2002	QB	Burrows		MacKay, Michelle L.	Colquhoun, I. Thomas			93			Despite greater success by husband, judge awards costs to wife for husband's deceptive behavior.
Division of assets	by asset	Unser v. Unser, 2002 ABQB 634	<a href="#">Unser v. Unser</a>	2002	QB	Burrows		MacKay, Michelle L.	Colquhoun, I. Thomas			5			judge varies division of assets by asset.
Property interest	beneficial interest	Unser v. Unser, 2002 ABQB 634	<a href="#">Unser v. Unser</a>	2002	QB	Burrows		MacKay, Michelle L.	Colquhoun, I. Thomas			15			judge finds parents were beneficial owners of matrimonial home as they made all mortgage payments.
s. 7(2) exempt property scope of	lottery winnings	Unser v. Unser, 2002 ABQB 634	<a href="#">Unser v. Unser</a>	2002	QB	Burrows		MacKay, Michelle L.	Colquhoun, I. Thomas		7(2)	19	Noel v. Noel 1998 ABQB 402		No claim made that lottery winnings won after separation are 7(2). Presumed to be 7(4) property.
s. 8(c) contribution to property		Unser v. Unser, 2002 ABQB 634	<a href="#">Unser v. Unser</a>	2002	QB	Burrows		MacKay, Michelle L.	Colquhoun, I. Thomas		8(c)	25	Noel v. Noel 1998 ABQB 402		wife held to have contributed nothing to acquisition of lottery winnings
s. 8(e) duration of marriage	short	Unser v. Unser, 2002 ABQB 634	<a href="#">Unser v. Unser</a>	2002	QB	Burrows		MacKay, Michelle L.	Colquhoun, I. Thomas		8(e)	23	Noel v. Noel 1998 ABQB 402		marriage of short duration. Separated longer than together
s. 8(f) property acquired while separate and apart	lottery winnings	Unser v. Unser, 2002 ABQB 634	<a href="#">Unser v. Unser</a>	2002	QB	Burrows		MacKay, Michelle L.	Colquhoun, I. Thomas		8(f)	26	Noel v. Noel 1998 ABQB 402		winnings acquired 26 mos. after separated
s. 8(i) previous distribution of property	business assets	Unser v. Unser, 2002 ABQB 634	<a href="#">Unser v. Unser</a>	2002	QB	Burrows		MacKay, Michelle L.	Colquhoun, I. Thomas		8(i)	31-32	Noel v. Noel 1998 ABQB 402		Wife wrote herself check for 40% of value of business upon separation.

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s. 8(m) other	disclosure	Unser v. Unser, 2002 ABQB 634	<a href="#">Unser v. Unser</a>	2002	QB	Burrows		MacKay, Michelle L.	Colquhoun, I. Thomas		8(m)	37			deception on part of husband for amount paid for car results in equal distribution of this property.
Strength of s. 7(4) presumption		Unser v. Unser, 2002 ABQB 634	<a href="#">Unser v. Unser</a>	2002	QB	Burrows		MacKay, Michelle L.	Colquhoun, I. Thomas		7(4)	28			s. 8 factors used to deny wife any share in dream home asset.
conduct	post separation	V.(C.N.) v. V.(D.C.), 2009 ABQB 169	<a href="#">V.(C.N.) v. V.(D.C.)</a>	2009	QB	Greckol		Brosseau, Dorothy or Mogdan, Stephen	Brosseau, Dorothy or Mogdan, Stephen			30			Wife argues that presumption of equal division rebutted by husband defaulting on house payments. Requests valuation based on date of default
Date of division	date of default	V.(C.N.) v. V.(D.C.), 2009 ABQB 169	<a href="#">V.(C.N.) v. V.(D.C.)</a>	2009	QB	Greckol		Brosseau, Dorothy or Mogdan, Stephen	Brosseau, Dorothy or Mogdan, Stephen			55			mat. home divided as of date husband defaulted on loan.
Date of valuation	date of trial	V.(C.N.) v. V.(D.C.), 2009 ABQB 169	<a href="#">V.(C.N.) v. V.(D.C.)</a>	2009	QB	Greckol		Brosseau, Dorothy or Mogdan, Stephen	Brosseau, Dorothy or Mogdan, Stephen			45	Hodgson v. Hodgson 2005 ABCA		judge states that the rule for date of valuation is date of trial per Hodgson, then divides property as of date husband defaulted on loan.
s. 7(2) exempt property scope of	matrimonial home	V.(C.N.) v. V.(D.C.), 2009 ABQB 169	<a href="#">V.(C.N.) v. V.(D.C.)</a>	2009	QB	Greckol		Brosseau, Dorothy or Mogdan, Stephen	Brosseau, Dorothy or Mogdan, Stephen		7(2)	49			judge notes that despite home having been in husband's name only and having been acquired before marriage, neither party made this argument, therefore property will be divided without exemption.

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s. 8(c) contribution to property		V.(C.N.) v. V.(D.C.), 2009 ABQB 169	<a href="#">V.(C.N.) v. V.(D.C.)</a>	2009	QB	Greckol		Brosseau, Dorothy or Mogdan, Stephen	Brosseau, Dorothy or Mogdan, Stephen		8(c)	55			although not expressly stated as s. 8(c), husband's failure to make mortgage payments a factor in unequal division.
s. 8(d) income, earning capacity, liabilities, obligations, other resources		V.(C.N.) v. V.(D.C.), 2009 ABQB 169	<a href="#">V.(C.N.) v. V.(D.C.)</a>	2009	QB	Greckol		Brosseau, Dorothy or Mogdan, Stephen	Brosseau, Dorothy or Mogdan, Stephen		8(d)	55			although not expressly stated as s. 8(d), husband's failure to meet obligations re house results in unequal division of asset.
s. 8(m) other	conduct	V.(C.N.) v. V.(D.C.), 2009 ABQB 169	<a href="#">V.(C.N.) v. V.(D.C.)</a>	2009	QB	Greckol		Brosseau, Dorothy or Mogdan, Stephen	Brosseau, Dorothy or Mogdan, Stephen		8(m)	55			husband's failure to make mortgage payments results in unequal division of property. Husband argues that he was financially incapable of doing so, but judge disagrees.
Assets, included	personal property	Van Oirschot v. Van Oirschot, 2010 ABQB 211	<a href="#">Van Oirschot v. Van Oirschot</a>	2010	QB	Belzil		Plumer, Ben	Robertson, Susan			64			judge orders distribution of property in specie
Distribution of assets	method of distribution	Van Oirschot v. Van Oirschot, 2010 ABQB 211	<a href="#">Van Oirschot v. Van Oirschot</a>	2010	QB	Belzil		Plumer, Ben	Robertson, Susan			109			Judge divides property equally then notes that distribution can be in specie plus a cash settlement if the parties desire.

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Issue	Subissue	Case+cite	pdf	Year	Ct	Judge	Other judges	H's lawyer	W's lawyer	Other proceedings	Sec.	Para.	Cases relied upon	Cases relying upon	Notes/facts
s. 7(2) definition of gift		Van Oirschot v. Van Oirschot, 2010 ABQB 211	<a href="#">Van Oirschot v. Van Oirschot</a>	2010	QB	Belzil		Plumer, Ben	Robertson, Susan		7(2)	50			Judge finds that collapsed family trust and subsequent loan to son constitute gifts by both parties with no expectation of repayment.
s. 8(k) potential tax liability		Van Oirschot v. Van Oirschot, 2010 ABQB 211	<a href="#">Van Oirschot v. Van Oirschot</a>	2010	QB	Belzil		Plumer, Ben	Robertson, Susan		8(k)	74	McPherson v. McPherson, [1988] O.J. No. 283		judge determines tax liability too speculative and does not discount property values.
conduct	during marriage	Verburg v. Verburg, 2010 ABQB 201	<a href="#">Verburg v. Verburg</a>	2010	QB	Binder		Spitz, Peter	Cochard, Renee			20-21			Judge finds husband to have been controlling during marriage.
Occupation Rent		Verburg v. Verburg, 2010 ABQB 201	<a href="#">Verburg v. Verburg</a>	2010	QB	Binder		Spitz, Peter	Cochard, Renee			37-38	Kazmierczak v. Kazmierczak 2001 ABQB 610		judge awards \$10,000 to wife based on husband's conduct re home. Kazmierczak noted but not followed.
s. 8(a) contribution to marriage and family		Verburg v. Verburg, 2010 ABQB 201	<a href="#">Verburg v. Verburg</a>	2010	QB	Binder		Spitz, Peter	Cochard, Renee		8(a)	27			judge finds husband contributed more financially but wife contributed to extent she was able.
s. 8(d) income, earning capacity, liabilities, obligations, other resources		Verburg v. Verburg, 2010 ABQB 201	<a href="#">Verburg v. Verburg</a>	2010	QB	Binder		Spitz, Peter	Cochard, Renee		8(d)	27			wife's illness and difficulty meeting conflicting demands of husband noted.

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s. 8(e) duration of marriage	long	Verburg v. Verburg, 2010 ABQB 201	<a href="#">Verburg v. Verburg</a>	2010	QB	Binder		Spitz, Peter	Cochard, Renee		8(e)	28			Length of marriage ruled to be long (10 yrs. married and 4 yrs. cohabted)
s. 38 formalities	purpose	Voll v. Voll, 2008 ABQB 89	<a href="#">Voll v. Voll</a>	2008	QB	Bielby		Neill, Graham	McNeilly, Shirley		38	12, 20	Corbeil v. Bebris (1993) 105 D.L.R. (4th) 759; Jang v. Jang, 2000 ABQB 607; Miles v. Miles, 2003 ABQB 688		Judge notes s. 38 does not establish a specific form to comply with req. of s. 38 but states that purpose of s. 38 is "to offer some protection" Appears to recognize possibility of implicit compliance but states it was not met here.
Assets, included	locked-in RRSP	Vreim v. Vreim, 2000 ABQB 291	<a href="#">Vreim v. Vreim</a>	2000	QB	Dea		Lewis, Robert M.	Colquhoun, I. Thomas			41			designated beneficiary was not wife
Assets, included	severance package	Vreim v. Vreim, 2000 ABQB 291	<a href="#">Vreim v. Vreim</a>	2000	QB	Dea		Lewis, Robert M.	Colquhoun, I. Thomas			31	McDonald v. McDonald, 1998 ABCA 241; Sutton v. Davidson 1999 ABCA 280		Income which is saved becomes property
Assets, included	severance benefits	Vreim v. Vreim, 2000 ABQB 291	<a href="#">Vreim v. Vreim</a>	2000	QB	Dea		Lewis, Robert M.	Colquhoun, I. Thomas			33	Sutton v. Davidson 1999 ABCA 280		Judge rules that only the part of the severance rolled into an RRSP qualifies for division.

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Constructive or resulting trusts		Vreim v. Vreim, 2000 ABQB 291	<a href="#">Vreim v. Vreim</a>	2000	QB	Dea		Lewis, Robert M.	Colquhoun, I. Thomas			75	J.L.O. Ranch Ltd. v. Logan (1987), 27 E.T.R. 1; Angeletakis v. Thymaras 1989 CanLII 3141		
Date of valuation	date of separation	Vreim v. Vreim, 2000 ABQB 291	<a href="#">Vreim v. Vreim</a>	2000	QB	Dea		Lewis, Robert M.	Colquhoun, I. Thomas			11	Mazurenko v. Mazurenko (1989) 23 R.F.L. 3 <sup>rd</sup> 265; McAllister v. McAllister (1997) 201 A.R. 287	Abbott v. Abbott, 2004 ABQB 233	length of time between separation and date of trial a factor. Agreement by parties to use date of separation "a compelling reason" justifying departure from Mazurenko.
Death of spouse		Vreim v. Vreim, 2000 ABQB 291	<a href="#">Vreim v. Vreim</a>	2000	QB	Dea		Lewis, Robert M.	Colquhoun, I. Thomas			11			occurs after separation before MPA action resolved
Equity - fit with MPA		Vreim v. Vreim, 2000 ABQB 291	<a href="#">Vreim v. Vreim</a>	2000	QB	Dea		Lewis, Robert M.	Colquhoun, I. Thomas			75	J.L.O. Ranch Ltd. v. Logan (1987), 27 E.T.R. 1; Angeletakis v. Thymaras 1989 CanLII 3141		



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Limitation Period		Vreim v. Vreim, 2000 ABQB 291	<a href="#">Vreim v. Vreim</a>	2000	QB	Dea		Lewis, Robert M.	Colquhoun, I. Thomas			72-75			Using old Limitation of Actions Act. applies to constructive trusts but not express trusts
Method of valuation	McAllister formula	Vreim v. Vreim, 2000 ABQB 291	<a href="#">Vreim v. Vreim</a>	2000	QB	Dea		Lewis, Robert M.	Colquhoun, I. Thomas			57	McAlister v. McAlister (1982), 41 A.R. 277		Used McAllister formula
Potential s. 8 factors	disability	Vreim v. Vreim, 2000 ABQB 291	<a href="#">Vreim v. Vreim</a>	2000	QB	Dea		Lewis, Robert M.	Colquhoun, I. Thomas			8			husband was an alcoholic
Relationship b/w MPA and other acts, orders	Pension Benefit Standards Act	Vreim v. Vreim, 2000 ABQB 291	<a href="#">Vreim v. Vreim</a>	2000	QB	Dea		Lewis, Robert M.	Colquhoun, I. Thomas			53			Made husband's locked-in RRSP an asset on separation
s. 10 return of gift or property	locked-in RRSP	Vreim v. Vreim, 2000 ABQB 291	<a href="#">Vreim v. Vreim</a>	2000	QB	Dea		Lewis, Robert M.	Colquhoun, I. Thomas		10	71			designated beneficiary was not wife
s. 10 return of gift or property	testamentary gift	Vreim v. Vreim, 2000 ABQB 291	<a href="#">Vreim v. Vreim</a>	2000	QB	Dea		Lewis, Robert M.	Colquhoun, I. Thomas		10	71			Testamentary gifts held not to be included under s. 10 gifts. Lack of distinction between mat prop and testamentary prop.
s. 36(2)(a) presumption of joint ownership	tracing	Vreim v. Vreim, 2000 ABQB 291	<a href="#">Vreim v. Vreim</a>	2000	QB	Dea		Lewis, Robert M.	Colquhoun, I. Thomas		36(1)	75	J.L.O. Ranch Ltd. v. Logan (1987), 27 E.T.R. 1; Angeletakis v. Thymaras 1989 CanLII 3141		wife transferred her property into both names. Non-exempt balance part of distribution

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s. 8(g) oral or written agreements		Vreim v. Vreim, 2000 ABQB 291	<a href="#">Vreim v. Vreim</a>	2000	QB	Dea		Lewis, Robert M.	Colquhoun, I. Thomas		8(g)	14			informal agreement not to use date of trial upheld
ss. 13-14	executor	Vreim v. Vreim, 2000 ABQB 291	<a href="#">Vreim v. Vreim</a>	2000	QB	Dea		Lewis, Robert M.	Colquhoun, I. Thomas		13-14	66			executor personally liable for premature distribution of property
conduct	during marriage	W.(J.) v. W.(W.L.), 2007 ABQB 681	<a href="#">W.(J.) v. W.(W.L.)</a>	2007	QB	Sullivan		self	Hemington, Brent			16			judge states that an addict does not willfully inflict suffering upon other party and states that he does not blame addict for behavior. Divides all property 50/50 except for property acquired while addicted
s. 8(l) dissipation of property		W.(J.) v. W.(W.L.), 2007 ABQB 681	<a href="#">W.(J.) v. W.(W.L.)</a>	2007	QB	Sullivan		self	Hemington, Brent		8(l)	6			husband found to have dissipated 1/2 assets of marriage while struggling with addiction.
Assets, excluded	corporation	W.(K.E.) v. M.(C.R.), 2005 ABQB 426, a.k.a. Wallat v. Marshall	<a href="#">W.(K.E.) v. M.(C.R.)</a>	2005	QB	Coutu		self	Hoffman, Jane			128			judge declines to divide increase in husband's corp with wife.
Date of valuation	date of trial	W.(K.E.) v. M.(C.R.), 2005 ABQB 426, a.k.a. Wallat v. Marshall	<a href="#">W.(K.E.) v. M.(C.R.)</a>	2005	QB	Coutu		self	Hoffman, Jane			119	Hodgson v. Hodgson, 2005 ABCA		

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Debts, excluded		W.(K.E.) v. M.(C.R.), 2005 ABQB 426, a.k.a. Wallat v. Marshall	<a href="#">W.(K.E.) v. M.(C.R.)</a>	2005	QB	Coutu		self	Hoffman, Jane			129			judge states debts of two parties roughly the same and ignores them
s. 7(3) property	property	W.(K.E.) v. M.(C.R.), 2005 ABQB 426, a.k.a. Wallat v. Marshall	<a href="#">W.(K.E.) v. M.(C.R.)</a>	2005	QB	Coutu		self	Hoffman, Jane		7(3)	127	Nasin v. Nasin, 2008 ABQB 219; Behiels v. McCarthy, 2010 ABQB 281		Judge awards 30% of value of increase in wife's property to husband on basis of s. 8 factors
s. 8(a) contribution to marriage and family		W.(K.E.) v. M.(C.R.), 2005 ABQB 426, a.k.a. Wallat v. Marshall	<a href="#">W.(K.E.) v. M.(C.R.)</a>	2005	QB	Coutu		self	Hoffman, Jane		8(a)	127			husband found to have contributed to marriage by taking care of son.
s. 8(c) contribution to property		W.(K.E.) v. M.(C.R.), 2005 ABQB 426, a.k.a. Wallat v. Marshall	<a href="#">W.(K.E.) v. M.(C.R.)</a>	2005	QB	Coutu		self	Hoffman, Jane		8(c)	127			husband found to have helped pay mortgage on wife's property

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s. 8(d) income, earning capacity, liabilities, obligations, other resources		W.(K.E.) v. M.(C.R.), 2005 ABQB 426, <i>a.k.a.</i> <i>Wallat v.</i> <i>Marshall</i>	<a href="#">W.(K.E.) v. M.(C.R.)</a>	2005	QB	Coutu		self	Hoffman, Jane		8(d)	127			husband found to have contributed income while wife stayed at home
s. 8(e) duration of marriage	short	W.(K.E.) v. M.(C.R.), 2005 ABQB 426, <i>a.k.a.</i> <i>Wallat v.</i> <i>Marshall</i>	<a href="#">W.(K.E.) v. M.(C.R.)</a>	2005	QB	Coutu		self	Hoffman, Jane		8(e)	1			very short term marriage - 18 months
s. 8(l) dissipation of property		W.(K.E.) v. M.(C.R.), 2005 ABQB 426, <i>a.k.a.</i> <i>Wallat v.</i> <i>Marshall</i>	<a href="#">W.(K.E.) v. M.(C.R.)</a>	2005	QB	Coutu		self	Hoffman, Jane		8(l)	127			husband found to have dissipated income but this does not appear to be a factor.
Assets, excluded	corporation	W.(M.J.) v. W.(B.J.), 2006 ABQB 19	<a href="#">W.(M.J.) v. W.(B.J.)</a>	2006	QB	Marshall		Cochard, Renee	McNeilly, Shirley			34			judge declines to include "personal benefits" obtained by husband from his corp.
Assets, included	shareholder's loan	W.(M.J.) v. W.(B.J.), 2006 ABQB 19	<a href="#">W.(M.J.) v. W.(B.J.)</a>	2006	QB	Marshall		Cochard, Renee	McNeilly, Shirley			27			divided 2/3 husband, 1/3 wife

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Debts, excluded	post separation debt	W.(M.J.) v. W.(B.J.), 2006 ABQB 19	<a href="#">W.(M.J.) v. W.(B.J.)</a>	2006	QB	Marshall		Cochard, Renee	McNeilly, Shirley			36			judge declines to include loan to wife after separation, stating that she was living beyond her means.
s. 7(2) exempt property scope of	motorcycle	W.(M.J.) v. W.(B.J.), 2006 ABQB 19	<a href="#">W.(M.J.) v. W.(B.J.)</a>	2006	QB	Marshall		Cochard, Renee	McNeilly, Shirley		7(2)	23			motorcycle purchased before marriage <i>but during period of cohabitation</i> exempt from distribution
s. 7(2) exempt property scope of	quarter section	W.(M.J.) v. W.(B.J.), 2006 ABQB 19	<a href="#">W.(M.J.) v. W.(B.J.)</a>	2006	QB	Marshall		Cochard, Renee	McNeilly, Shirley		7(2)	22	Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113; Rosin v. Rosin (1984) 8 R.F.L. (4th) 319		judge rules property never entered matrimonial regime. All exempt.
s. 7(3) property	corporation	W.(M.J.) v. W.(B.J.), 2006 ABQB 19	<a href="#">W.(M.J.) v. W.(B.J.)</a>	2006	QB	Marshall		Cochard, Renee	McNeilly, Shirley		7(3)	33			divided 2/3 husband, 1/3 wife, after subtracting exempted value of business prior to marriage
s. 7(3) property	shareholder's loan	W.(M.J.) v. W.(B.J.), 2006 ABQB 19	<a href="#">W.(M.J.) v. W.(B.J.)</a>	2006	QB	Marshall		Cochard, Renee	McNeilly, Shirley		7(3)	27			divided 2/3 husband, 1/3 wife
s. 7(3)(a) tracing	shareholder's loan	W.(M.J.) v. W.(B.J.), 2006 ABQB 19	<a href="#">W.(M.J.) v. W.(B.J.)</a>	2006	QB	Marshall		Cochard, Renee	McNeilly, Shirley		7(3)(a)	27			husband attempts to trace loan for exemption. Rejected.

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s. 8(b) contribution to business		W.(M.J.) v. W.(B.J.), 2006 ABQB 19	<a href="#">W.(M.J.) v. W.(B.J.)</a>	2006	QB	Marshall		Cochard, Renee	McNeilly, Shirley		8(a)	31		Walker v. Walker, 2009 ABQB 209	Wife's contribution to business said to be not significant, justified unequal division of corporation.
s. 8(l) dissipation of property	loan	W.(M.J.) v. W.(B.J.), 2006 ABQB 19	<a href="#">W.(M.J.) v. W.(B.J.)</a>	2006	QB	Marshall		Cochard, Renee	McNeilly, Shirley		8(l)	36			judge declines to include loan to wife after separation, stating that she was living beyond her means.
Unjust enrichment		W.(M.J.) v. W.(B.J.), 2006 ABQB 19	<a href="#">W.(M.J.) v. W.(B.J.)</a>	2006	QB	Marshall		Cochard, Renee	McNeilly, Shirley			17-20			judge dismisses claim for unjust enrichment by spouse re husband's business. Finds no deprivation and minimal enrichment
Cohabitation and the MPA		W.(S.) v. W.(J.), 2005 ABQB 728	<a href="#">W.(S.) v. W.(J.)</a>	2005	QB	Topolniski		Tensfelt, Sylvia	self			96			judge appears to accept matrimonial home purchased in husband's name only while they were CL as s. 7(4) property.
Date of valuation	date of trial	W.(S.) v. W.(J.), 2005 ABQB 728	<a href="#">W.(S.) v. W.(J.)</a>	2005	QB	Topolniski		Tensfelt, Sylvia	self			78	Hodgson v. Hodgson, 2005 ABCA 13		
Distribution of assets	in specie	W.(S.) v. W.(J.), 2005 ABQB 728	<a href="#">W.(S.) v. W.(J.)</a>	2005	QB	Topolniski		Tensfelt, Sylvia	self			114			judge distributes property by asset.
s. 8 factors	no priority to factors	W.(S.) v. W.(J.), 2005 ABQB 728	<a href="#">W.(S.) v. W.(J.)</a>	2005	QB	Topolniski		Tensfelt, Sylvia	self		8	113	Souder v. Wereschuk 2004 ABCA 339		No priority to factors.

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s. 8(c) contribution to property		W.(S.) v. W.(J.), 2005 ABQB 728	<a href="#">W.(S.) v. W.(J.)</a>	2005	QB	Topolniski		Tensfelt, Sylvia	self		8(c)	106			judge appears to conflate ss. 8(c) and 8(f).
s. 8(d) income, earning capacity, liabilities, obligations, other resources		W.(S.) v. W.(J.), 2005 ABQB 728	<a href="#">W.(S.) v. W.(J.)</a>	2005	QB	Topolniski		Tensfelt, Sylvia	self		8(d)	107			judge states each party was financially independent before and after marriage.
s. 8(e) duration of marriage	short	W.(S.) v. W.(J.), 2005 ABQB 728	<a href="#">W.(S.) v. W.(J.)</a>	2005	QB	Topolniski		Tensfelt, Sylvia	self		8(e)	109			short marriage noted. This is the key factor.
s. 8(f) property acquired while separate and apart		W.(S.) v. W.(J.), 2005 ABQB 728	<a href="#">W.(S.) v. W.(J.)</a>	2005	QB	Topolniski		Tensfelt, Sylvia	self		8(f)	106			judge appears to conflate ss. 8(c) and 8(f).
s. 8(m) other	market upswing	W.(S.) v. W.(J.), 2005 ABQB 728	<a href="#">W.(S.) v. W.(J.)</a>	2005	QB	Topolniski		Tensfelt, Sylvia	self		8(m)	112			judge considers change in property market may be a factor when determining distribution then rejects..
s. 8(m) other	credibility	Walkden v. Walkden, 2004 ABQB 823	<a href="#">Walkden v. Walkden</a>	2004	QB	Kenny		Forsyth-Nicholson, R.	Hannah, K.E.		8(m)	36			judge calls husband's testimony "one of the most blatant cases of dishonesty I have ever seen."
s. 8(m) other	disclosure	Walkden v. Walkden, 2004 ABQB 823	<a href="#">Walkden v. Walkden</a>	2004	QB	Kenny		Forsyth-Nicholson, R.	Hannah, K.E.		8(m)	36			judge finds husband hid over \$2M in assets from wife. Orders 1/2 sum to her and all of Texaco pension, which was not disclosed.

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Issue	Subissue	Case+cite	pdf	Year	Ct	Judge	Other judges	H's lawyer	W's lawyer	Other proceedings	Sec.	Para.	Cases relied upon	Cases relying upon	Notes/facts
Analytical framework		Walker v. Walker, 2009 ABQB 209	<a href="#">Walker v. Walker</a>	2009	QB	Yamauchi		Hennessy, Shaun	Spitz, Peter			37	Kazmierczak v. Kazmierczak 2001 ABQB 610		Court follows Kazmierczak, stating that division by percentage is only one possible method of valuation.
Assets, included	matrimonial home	Walker v. Walker, 2009 ABQB 209	<a href="#">Walker v. Walker</a>	2009	QB	Yamauchi		Hennessy, Shaun	Spitz, Peter			70	Hornby v. Hornby, 2007 ABQB 464		husband rewarded for paying off mortgage, given 75% share in home.
Assets, included	RRSPs	Walker v. Walker, 2009 ABQB 209	<a href="#">Walker v. Walker</a>	2009	QB	Yamauchi		Hennessy, Shaun	Spitz, Peter			42			RRSP money that wife cashed and spent held to have been dissipated and included for purposes of division.
Corporate assets valuation	multiple methods of valuation	Walker v. Walker, 2009 ABQB 209	<a href="#">Walker v. Walker</a>	2009	QB	Yamauchi		Hennessy, Shaun	Spitz, Peter			8			judge discusses several methods of valuation. Wife proposes assets over liabilities approach, which judge uses but calls simplistic and deducts 25% for "other factors."
s. 8 factors		Walker v. Walker, 2009 ABQB 209	<a href="#">Walker v. Walker</a>	2009	QB	Yamauchi		Hennessy, Shaun	Spitz, Peter		8	64	Hulleman v. Hulleman 1999 ABCA 366		judge discusses all s. 8 factors before determining an unequal division of property is warranted.
s. 8(b) contribution to business		Walker v. Walker, 2009 ABQB 209	<a href="#">Walker v. Walker</a>	2009	QB	Yamauchi		Hennessy, Shaun	Spitz, Peter		8(a)	66	M.J.W. v. B.J.W., 2006 ABQB 19; ; Johnston v. Johnston, 2005 ABQB 320		precedents noted for unequal division of assets based on unequal contributions to business.



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s. 8(f) property acquired while separate and apart		Walker v. Walker, 2009 ABQB 209	<a href="#">Walker v. Walker</a>	2009	QB	Yamauchi		Hennessy, Shaun	Spitz, Peter		8(f)	66	Souder v. Wereschuk, 2004 ABCA 339		unequal division of assets that increased in value while separate and apart.
s. 8(g) oral or written agreements		Walker v. Walker, 2009 ABQB 209	<a href="#">Walker v. Walker</a>	2009	QB	Yamauchi		Hennessy, Shaun	Spitz, Peter		8(g)	36	M. (D.G.) v. M. (K.M.) 2004 ABCA 257		Judge states s. 8(g) agreement will be a consideration under MPA division.
s. 8(l) dissipation of property	RRSPs	Walker v. Walker, 2009 ABQB 209	<a href="#">Walker v. Walker</a>	2009	QB	Yamauchi		Hennessy, Shaun	Spitz, Peter		8(l)	40			allegations of drug use in wife argument re dissipation of RRSP money
s. 8(m) other	work ethic	Walker v. Walker, 2009 ABQB 209	<a href="#">Walker v. Walker</a>	2009	QB	Yamauchi		Hennessy, Shaun	Spitz, Peter		8(m)	70	Hornby v. Hornby, 2007 ABQB 464		husband's efforts to free house of mortgage noted by court.
Analytical framework		Warwoda v. Warwoda, 2009 ABQB 582	<a href="#">Warwoda v. Warwoda</a>	2009	QB	Hughes		Clark, Brian	Cooney-Burk, L.A.			26	Hodgson v. Hodgson 2005 ABCA 13		
Assets, included	gifted property	Warwoda v. Warwoda, 2009 ABQB 582	<a href="#">Warwoda v. Warwoda</a>	2009	QB	Hughes		Clark, Brian	Cooney-Burk, L.A.			35			judge finds property given by husband's parents and placed in his name alone to be a joint gift.

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Debts, included	writs on property	Warwoda v. Warwoda, 2009 ABQB 582	<a href="#">Warwoda v. Warwoda</a>	2009	QB	Hughes		Clark, Brian	Cooney-Burk, L.A.			30			judge includes writ placed post separation among matrimonial debts.
Occupation Rent		Warwoda v. Warwoda, 2009 ABQB 582	<a href="#">Warwoda v. Warwoda</a>	2009	QB	Hughes		Clark, Brian	Cooney-Burk, L.A.			38	Hantel v. Hilscher 2000 ABCA 84		judge declines to award occupation rent to husband on basis that he did not assist family after leaving residence.
s. 8(a) contribution to marriage and family		Warwoda v. Warwoda, 2009 ABQB 582	<a href="#">Warwoda v. Warwoda</a>	2009	QB	Hughes		Clark, Brian	Cooney-Burk, L.A.		8(a)	37			husband failed to contribute to family after separation.
s. 8(c) contribution to property		Warwoda v. Warwoda, 2009 ABQB 582	<a href="#">Warwoda v. Warwoda</a>	2009	QB	Hughes		Clark, Brian	Cooney-Burk, L.A.		8(c)	37			husband failed to contribute to property after separation
s. 8(m) other	work ethic	Warwoda v. Warwoda, 2009 ABQB 582	<a href="#">Warwoda v. Warwoda</a>	2009	QB	Hughes		Clark, Brian	Cooney-Burk, L.A.		8(m)	37			wife worked 2 jobs to keep mortgage from going into arrears.
Strength of s. 7(4) presumption		Warwoda v. Warwoda, 2009 ABQB 582	<a href="#">Warwoda v. Warwoda</a>	2009	QB	Hughes		Clark, Brian	Cooney-Burk, L.A.		7(4)	37		Behiels v. McCarthy, 2010 ABQB 281	judge awards unequal division of house based on failure of husband to contribute to property or family and contributions of wife to maintaining home.

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Analytical framework		Wright-Watts v. Watts 2005 ABQB 708	<a href="#">Wright-Watts v. Watts</a>	2005	QB	McMahon		Graham, Glenda	Andreachuk, Lori			28	Hodgson v. Hodgson, 2005 ABCA 13		4 step framework from Hodgson used
Cohabitation and the MPA		Wright-Watts v. Watts 2005 ABQB 708	<a href="#">Wright-Watts v. Watts</a>	2005	QB	McMahon		Graham, Glenda	Andreachuk, Lori			17	Molodowich v. Penttinen (1980), 17 R.F.L. (2d) 376	Behiels v. McCarthy 2010 ABQB, Brown v. Silvera 2009 ABQB 523, Shunamon v. Diegel 2008 ABQB 291,	remedy for couples sharing assets before marriage is not in MPA. Must find unjust enrichment and remedy of constructive trust.
Costs	party/party	Wright-Watts v. Watts 2005 ABQB 708	<a href="#">Wright-Watts v. Watts</a>	2005	QB	McMahon		Graham, Glenda	Andreachuk, Lori			82-3			party/party costs because D had been overpaid
Date of valuation	date of trial	Wright-Watts v. Watts 2005 ABQB 708	<a href="#">Wright-Watts v. Watts</a>	2005	QB	McMahon		Graham, Glenda	Andreachuk, Lori			25	Hodgson v. Hodgson, 2005 ABCA 13		says this is settled law but valuations from 14 mos. earlier used
Relationship b/w MPA and other acts, orders	AIRA	Wright-Watts v. Watts 2005 ABQB 708	<a href="#">Wright-Watts v. Watts</a>	2005	QB	McMahon		Graham, Glenda	Andreachuk, Lori			13	Spracklin v. Kichton, 345 A.R. 324, 2003 ABQB 992	Bowles v. Beamish 2008 ABQB 395, Howard v. Sandau 2008 ABQB 34	

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Relationship b/w MPA and other acts, orders	DRA, DRAA	Wright-Watts v. Watts 2005 ABQB 708	<a href="#">Wright-Watts v. Watts</a>	2005	QB	McMahon		Graham, Glenda	Andreachuk, Lori			11			
s. 10 return of gift or property		Wright-Watts v. Watts 2005 ABQB 708	<a href="#">Wright-Watts v. Watts</a>	2005	QB	McMahon		Graham, Glenda	Andreachuk, Lori		10	63			intent to defeat emphasized
s. 7(3) property	valuation	Wright-Watts v. Watts 2005 ABQB 708	<a href="#">Wright-Watts v. Watts</a>	2005	QB	McMahon		Graham, Glenda	Andreachuk, Lori		7(3)	45	Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113		judge states that increases after date of separation not to be shared
s. 7(3)(a) tracing		Wright-Watts v. Watts 2005 ABQB 708	<a href="#">Wright-Watts v. Watts</a>	2005	QB	McMahon		Graham, Glenda	Andreachuk, Lori		7(3)(a)	36	Harrower v. Harrower (1989), 97 A.R. 141; Miller v. Miller, 2004 ABCA 257		
s. 8(1) dissipation of property		Wright-Watts v. Watts 2005 ABQB 708	<a href="#">Wright-Watts v. Watts</a>	2005	QB	McMahon		Graham, Glenda	Andreachuk, Lori		8(1)	57	Cox v. Cox (1998), 233 A.R. 25; Metz v. Metz, 2004 ABQB 528	Nasin v. Nasin, 2008 ABQB 219	relies on Paperny's rules for dissipation in Cox, states that dissipation will always lead to an unequal division

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Unjust enrichment		Wright-Watts v. Watts 2005 ABQB 708	<a href="#">Wright-Watts v. Watts</a>	2005	QB	McMahon		Graham, Glenda	Andreachuk, Lori			17	Molodowich v. Penttinen (1980), 17 R.F.L. (2d) 376	Behiels v. McCarthy 2010 ABQB, Brown v. Silvera 2009 ABQB 523, Shunamon v. Diegel 2008 ABQB 291	remedy for couples sharing assets before marriage is not in MPA. Must find unjust enrichment and remedy of constructive trust.
s. 20 factors re matrimonial home	needs of children	Yamemchuk v. Yakemchuk 2000 ABQB 803	<a href="#">Yamemchuk v. Yakemchuk</a>	2000	QB	Veit		Christenson, R.P.	McLaughlin, D.M.	2000 ABQB 890	20	21			judge awards interim exclusive possession of home to disabled daughter after death of mother
s. 21 effect of sale of home on order for possession		Yamemchuk v. Yakemchuk 2000 ABQB 803	<a href="#">Yamemchuk v. Yakemchuk</a>	2000	QB	Veit		Christenson, R.P.	McLaughlin, D.M.	2000 ABQB 890	21	23			judge states that occupation issue takes precedence over ownership issue in awarding interim possession to daughter.
Assets, included	pension	Zacharuk v. Zacharuk 2004 ABQB 384	<a href="#">Zacharuk v. Zacharuk</a>	2004	QB	Acton		Morrow, T.G.	Meunier, Michel			51			pensions can be included even when it's become income
Costs	solicitor-client	Zacharuk v. Zacharuk 2004 ABQB 384	<a href="#">Zacharuk v. Zacharuk</a>	2004	QB	Acton		Morrow, T.G.	Meunier, Michel			53			solicitor-client costs awarded
Date of valuation	date of trial	Zacharuk v. Zacharuk 2004 ABQB 384	<a href="#">Zacharuk v. Zacharuk</a>	2004	QB	Acton		Morrow, T.G.	Meunier, Michel			10(3)			date of trial used. Stated as if it were law.

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Division of assets	by percentage	Zacharuk v. Zacharuk 2004 ABQB 384	<a href="#">Zacharuk v. Zacharuk</a>	2004	QB	Acton		Morrow, T.G.	Meunier, Michel			38			
s. 10 return of gift or property		Zacharuk v. Zacharuk 2004 ABQB 384	<a href="#">Zacharuk v. Zacharuk</a>	2004	QB	Acton		Morrow, T.G.	Meunier, Michel		10	9	Statute of Elizabeth, Nay v. Nay (1981) 26 A.R. 333		s. 10 not pled but used by judge, used indicia from <i>Nay</i> and <i>Statute of Elizabeth</i>
s. 8(l) dissipation of property		Zacharuk v. Zacharuk 2004 ABQB 384	<a href="#">Zacharuk v. Zacharuk</a>	2004	QB	Acton		Morrow, T.G.	Meunier, Michel		8(1)	38			s. 8(l) not specifically mentioned
s. 21 effect of sale of home on order for possession		Zaseybida v. Zaseybida, 2001 ABQB 640	<a href="#">Zaseybida v. Zaseybida</a>	2001	QB	Veit		Klassen, Claire M.	Johnson, Natalie L.		21	16	Kozyra v Kozyra [1998] A.J. No. 1512	Bennett v. Stoppler, 2003 ABQB 723	Judge states that a matrimonial home has a special character in Alta. Law. LTA subservient to MPA