

152A

In the Supreme Court of Nova Scotia

TRIAL DIVISION

Between

BRUCE D. [REDACTED]

PETITIONER

- and -

LINDA M. [REDACTED]

RESPONDENT

AMENDED PETITION FOR DIVORCE

(To be completed according to Form 57.06A and Rule 57)

To this Honourable Court:

See Form 57.06A I hereby petition for a decree of divorce from the Respondent spouse Linda M. [REDACTED] MacBeth

on the grounds and in the circumstances following:

1. GROUNDS:

See Form 57.06A A. My Petition is under the DIVORCE ACT (Canada), section 3, subsection (b)

See Form 57.06A B. The particulars of my grounds for divorce are: That the Respondent since the celebration of the marriage, has engaged in a homosexual act with Donna [REDACTED] Grosvenor, which relationship began in October, 1982 and is still continuing.

6. CHILDREN:

State "there are no such children of the marriage if such be the case."

- A. The names and dates of birth of all living children of the marriage as defined by the DIVORCE ACT (Canada) are:

Crystal Nichole MacBeth, born September 26, 1975

Adam John Nicholas MacBeth, born September 16, 1979.

State "not applicable" where no children are shown in para. A.

- B. The particulars of the past, present and proposed custody, care, upbringing and education of the said children are as follows:

The children have been in joint custody of the parties until separation and have been in the sole custody of the Respondent since October 26, 1982.

State "not applicable" where no children are shown in para. A. or "no claim for custody is being made" if such be the case.

- C. I claim custody of the following child(ren):

Crystal Nichole MacBeth

Adam John Nicholas MacBeth

State "not applicable" if no claim for custody is being made.

- D. The facts on which such claim for custody is founded are:

I believe that I am better able to provide a physical, emotional and moral environment for the children than the Respondent and I am prepared to provide for their necessary upbringing and education.

1983

Prothonotary's File No. 1201-28539P

IN THE SUPREME COURT OF NOVA SCOTIA
TRIAL DIVISION

BETWEEN:

BRUCE D. **[REDACTED]**

- and -

Petitioner

LINDA M. **[REDACTED]**

Respondent

AND BETWEEN:

LINDA M. **[REDACTED]**

- and -

Petitioner by
Counter-Petition

BRUCE D. **[REDACTED]**

Respondent by
Counter-Petition

ANSWER AND COUNTER-PETITION

1. The Respondent, LINDA M. **[REDACTED]** admits the allegations set out in paragraphs 2A, 2B, 3A, 3B, 3C, 3D, 3E, 3F, 3G, 4A, 4B, 4C, 4D, 4E, 4F, 4G, 5A, 5B, 6A, 6B, 7, 8A, and 9A and 9B of the Amended Petition for Divorce.

2. Your Petitioner by Counter-Petition states that the following material facts are relied on for contesting a Petition:

- (a) That the breakdown of the marriage was based upon the Petitioner's, Bruce D. **[REDACTED]** adultery with one Sylvia **[REDACTED]** from October of 1982 to date of this Answer and Counter-Petition at various places in the County of Pictou and Province of Nova Scotia;
- (b) A further reason for the breakdown of the marriage between the Petitioner and the Respondent was the excessive use of illicit drugs and alcohol by the Petitioner and his treatment of your Respondent and the children as a result of such abuse;

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WAYNE H. CANAM
PROTHONOTARY

- (c) That the children of the marriage, Crystal [REDACTED] and Adam [REDACTED] have resided with your Petitioner by Counter-Petition on all previous occasions when the Petitioner and Respondent have separated and your Petitioner by Counter-Petition has had the sole custody, care, upbringing and education of the children since October 26th, 1982;
- (d) That your Petitioner by Counter-Petition claims custody of the children of the marriage, Crystal [REDACTED], born September 26th, 1975 and Adam [REDACTED], born September 16th, 1979;
- (e) That your Petitioner by Counter-Petition also wishes maintenance for the children of the marriage and costs of this action;
- (f) That your Petitioner by Counter-Petition and the Respondent by Counter-Petition and the Respondent by Counter-Petition entered into a Separation Agreement dated the 1st day of February, 1983 concerning the matters of custody, access, maintenance, and distribution of the matrimonial assets and your Petitioner by Counter-Petition expects it to be honored and therefore desires costs in this action.

3. I hereby petition for a decree of divorce from the Petitioner, BRUCE D. [REDACTED] and also for an Order for custody, maintenance for the children, and costs in the action on the grounds and in the circumstances following:

GROUND:

- A. My Petition is under the Divorce Act (Canada) Section 3, Subsection (a);
- B. The particulars of my grounds for divorce are:

The Petitioner, Bruce D. [REDACTED] did commit adultery with one Sylvia [REDACTED], at various times and places in the County of Pictou and Province of Nova Scotia since the separation of the parties, making the reuniting of the parties impossible.

4. CHILDREN:

- A. The names and dates of birth of all living children of the marriage as defined by the DIVORCE ACT (Canada) are:

Crystal [REDACTED] born September 26th, 1975; and
Adam [REDACTED], born September 16th, 1979.

- B. The particulars of the past, present and proposed custody, care, upbringing and education of the children are as follows:

The children of the marriage have always resided with the Petitioner by Counter-Petition and the Respondent by Counter-Petition, although on occasions when the two (2) parties separated previous to the separation of October 26th, 1982 and since the separation of October 26th, 1982 always by the consent of the Respondent by Counter-Petition, the Petitioner by Counter-Petition has had the full custody, care, upbringing and education of the said children.

The Petitioner and Respondent entered into a Separation Agreement dated February 1st, 1983 which was a confirmation of the facts which they had agreed to since their separation on October 26th, 1982 and it has been substantially complied with since that date by both parties.

C. I claim custody of the following children:

Cyrstal [REDACTED] MacBeth, born September 26th, 1975; and
Adam [REDACTED] MacBeth, born September 16th, 1979;

D. The facts on which my claim for custody is founded are:

The Petitioner by Counter-Petition has always had the custody, care, control, upbringing and education of the children and made arrangements for that when both parties were living together and by consent of the Petitioner has had such custody, etc., during both separations of the parties and since October 26th, 1982 to date. Your Petitioner by Counter-Petition states that the Petitioner has treated the children, particularly the female child of the marriage, Cyrstal [REDACTED] MacBeth in an abusive fashion, has used illicit drugs and alcohol to continue to excess, which was one of the basic reasons for the separation of the parties, and your Respondent who owns her own home, is better able to provide for the physical, emotional, and other necessities of life, including love and affection in the best interest of the children.

5.

SEPARATION AGREEMENTS AND
FINANCIAL ARRANGEMENTS:

A. The dates of any written or oral separation or financial agreements between the parties are:

There is a signed written Separation Agreement between the parties dated February 1st, 1983 and the Petitioner by Counter-Petition, Linda M. [REDACTED] expects the Separation Agreement to be upheld.

B. The financial position, both income and capital of respective spouses' is:

The Respondent by Counter-Petition wishes to enforce the status quo set out in the Separation Agreement between the parties, which has been lived up to by both of the parties to the date of the signing of this documents. Therefore detailed explanation of the financial positions of the parties is not relevant.

6. COLLUSION, CONDONATION
AND CONNIVANCE:

- A. There has been no collusion in relation to this Answer and Counter-Petition
- B. There has been no condonation of or connivance at the grounds for the Divorce set forth in this Answer and Counter-Petition.

7. RELIEF ASKED:

I therefore ask this Honourable Court for the following relief:

- A. A decree that I be divorced from the Respondent by Counter-Petition, Bruce D. [REDACTED]
- B. Custody of the two (2) children of the marriage, Crystal [REDACTED] MacBeth and Adam [REDACTED] MacBeth
- C. Maintenance for the two (2) children of the marriage above-mentioned
- D. Confirmation pursuant to the Matrimonial Properties Act of Nova Scotia that all matters or claims by either party pursuant to that act have been resolved in accordance with the Separation Agreement dated February 1st, 1983; and
- E. Costs in this action.

DECLARATION OF PETITIONER
BY COUNTER-PETITION

I have read and understand this Answer and Counter-Petition. Those statements contained herein of which I have personal knowledge are true, and those of which I do not have personal knowledge, I believe to be true.

DATED at New Glasgow, in the County of Pictou and Province of Nova Scotia, this 28th day of August, A.D., 1983.

Linda [REDACTED]
LINDA M. MACBETH

[REDACTED], Pictou County,
Nova Scotia


PLACE OF HEARING

I propose that this Answer and Counter-Petition be heard at Pictou, Nova Scotia.

STATEMENT OF SOLICITOR

I, IAN A. MACKAY, the Solicitor for LINDA M. ~~MACBETH~~, the Petitioner by Counter-Petition herein certify to this Court that I have complied with the requirements of Section 7 of the DIVORCE ACT (Canada)

DATED at New Glasgow, Nova Scotia, this 26th day of August, A.D., 1983.


IAN A. MACKAY
Solicitor for the Petitioner by
Counter-Petition