

THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
SAINT VINCENT AND THE GRENADINES
(DIVORCE DIVISION)



NO. 471 OF 1990

BETWEEN:

CHERYL DIANA GREAVES NEE WEBB

Petitioner

v

GOALAND ELOUX GREAVES

Respondent

AND

SHEARON LEANAH MEDFORD NEE GREAVES

Added Party

Appearances:

Mr. S.E. Commissiong for Petitioner

Mr. P. Joseph for the Respondent

2005: November 3

DECISION

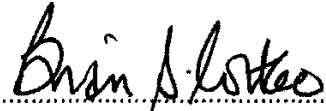
- [1] **MASTER COTTLE:** This is an application for ancillary relief. The parties were married on 4th July 1981 when the petitioner was 22 and the Respondent 23. The union was dissolved in 1990. There are four children of the union the youngest of whom is 17. Both parties to the union are now gainfully employed although for the most part of the marriage, only the respondent worked.
- [2] The petitioner now applies for a property adjustment order.

THE MATRIMONIAL HOME

- [3] The parties resided in a house which is owned by the respondent's sister. The respondent had been permitted to occupy it rent free on condition that he be responsible for its repair and upkeep. The petitioner says that the property has been bought by the respondent for \$60,000.00 but the evidence of this is not satisfactory. There has been no conveyance and the sister has sworn that the property still belongs to her.
- [4] In the circumstances I do not consider it open to the court to make an order under Section 32 of the Matrimonial Causes Act as the property remains vested in neither party to this marriage.
- [5] There is a portion of land which belongs to the respondent. He had been given this by his mother. It has not been developed as there is at present no motorable access to this lot. It would be costly to develop the access road – some 380 feet of steeply sloping terrain.
- [6] Both parties are of modest means and the demands of raising a family of four children would have left little disposable income if any. I am not surprised that there has been no effort by the respondent to build a home on this lot in the circumstances.
- [7] The question which now falls for consideration is whether the court should make a property adjustment order in relation to this parcel of land. Section 34 of the Matrimonial Causes Act sets out the factors to be considered. I am required to have regard to all the circumstances of the case including those matters enumerated in section 34.
- [8] In this case the respondent has a roof over his head. While this belongs to his sister and is tenuous in this regard, he pays no rent. The petitioner resides with three of the children of the marriage.
- [9] The land of the respondent is the only asset of the marriage. There is no issue of the contributions of either party to its acquisition as the property was given to the respondent

by his mother, yet when I view the case as a whole I feel compelled to hold that the petitioner ought to be entitled to a share in this property. I recognize that this is "family" property and inherited but it forms the only family asset with which I can be concerned.

- [10] I therefore direct that the property be sold and the petitioner be paid one half of the proceeds of sale. Alternatively the respondent can retain the property upon paying to the petitioner one half of the value as found by Mr. Rudyard Coombs, that is one half of \$42,894,000. I make no order as to costs.



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Brian S. Cottle
MASTER