

THE EASTERN CARIBBEAN SUPREME COURT  
IN THE HIGH COURT OF JUSTICE  
SAINT VINCENT AND THE GRENADINES  
HIGH COURT CIVIL CLAIM NO. 133 of 2008  
BETWEEN:



SHERRY-ANN ROXANNA MAPP

Petitioner

v

LIONEL PERCIVAL MAPP

Respondent

**Appearances:** Mr. Cecil Williams for the Petitioner

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2012: March 8<sup>th</sup>

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**REASONS** for the order made on 25th January, 2012

- [1] Petitioner Sherry-Ann Mapp filed against respondent Lionel Mapp. The respondent took no interest in the proceedings. He filed no document in opposition to the petitioner's documents. Filed on 23<sup>rd</sup> November, 2011 is an affidavit of service of Rodwell Alexander of documents, including application for ancillary relief and affidavit of the petitioner.
- [2] In the petitioner's application filed on 24<sup>th</sup> January 2012, she sought an award of seventy per cent of the equity of the matrimonial property, which had been put up for sale by the National Commercial Bank as mortgage payments had not been made. The petitioner gave evidence on 17<sup>th</sup> January and 25<sup>th</sup> January 2012.
- [3] Background: The parties were married on 26<sup>th</sup> December 1998, and a decree absolute was granted on 29<sup>th</sup> June 2009. The petitioner was granted custody of the minor female child of the marriage. The parties purchased land in 2000 for \$40,000.00 (deed 1677/2000)

and built a house on the land with a loan of \$185,000.00 from the National Commercial Bank. The loan was repaid by deductions from her salary of \$1560.00 per month from August 2001 until 2005 when she migrated .She produced bank print outs in support .Before her departure she sold a vehicle valued at \$8000.00 and left that sum in the account to cover the mortgage payments.

- [4] She also maintained the child of the marriage. From Turks and Caicos she sent money to her brother in St. Vincent who is a contractor, to build the downstairs of the matrimonial property. He did the work himself, being both foreman and contractor at the rate of \$50.00 less than the going rate. Her brother would normally receive \$125.00 but was paid \$75.00 (I think that is daily figure) Her brother worked on week ends because of his relationship with her. I regard this contribution as being made to the family although I would the balance the benefit in favour of the petitioner.
- [5] She returned from Turks and Caicos in 2007, was reemployed and salary deductions were made from her salary until she migrated again, after three months. She paid insurance for the house of \$1560.00 per year. She and the respondent agreed that the respondent's sister Muriel Mapp, should rent out the house and collect the rent for them, When the petitioner asked Muriel Mapp for the rent money, the reply was that the respondent had told her not to give it to the petitioner. The house was being rented for \$500.00. She stated that he had told the person renting the house not to vacate the house. I will take this factor into consideration in that the petitioner should have received a portion of that rental.
- [6] She stopped paying mortgage after she returned to Turks and Caicos at the end of 2007. After that no money was paid on the mortgage. She explained to the bank that they were separated and unable to keep up with the mortgage payments as she had no means of support. At that time she lived in her mother's home. She then lived at Villa from October 2011 renting a house for \$500.00 per month.

- [7] The matrimonial house, valued at \$292,000.00, was sold by the bank for \$250,000.00. The bank loan was repaid, remaining sum being \$64,437.00. Two parcels of land were referred to in the mortgage deed. There was another piece of land (21,779 sq ft) inherited by the respondent included in the mortgage document, which was not sold by the bank
- [8] The respondent, while residing in Turks and Caicos, sent money for living expenses and child maintenance. During divorce proceedings the respondent did not maintain the child until some time in 2010, after she emailed court documents to him - the decree nisi showing that he is to pay \$300 a month. He started paying US\$100.00 per month.
- [9] The respondent, she stated, gave less than half of education costs, nothing towards medical and the child is sickly - although she did not inform him of the sickness. From 2001 to 2003 he paid a baby sitter \$200.00 a month.
- [10] He met utilities, about \$400.00 per month and \$350.00 a month for hire purchase appliances from Courts.
- [11] Looking at the whole picture – The parties shared the expenses of the family. I take into account in the petitioner's favour the fact that she financed the construction of the downstairs of the house. I award the petitioner seventy percent of the equity of the matrimonial home.



Monica Joseph  
High Court Judge (Acting)  
10<sup>th</sup> February 2012.