

**In the Supreme Court of British Columbia**

Claimant: Angela Jane Smith

Respondent: James John Keith

**FINAL ORDER**

*[Rule 21-1 of the Supreme Court Family Rules applies to all forms.]*

BEFORE } THE HONOURABLE JUSTICE GRAY } 12/AUG/2016

This family law case coming on for trial at Kelowna, on 12/AUG/2016, and on hearing Angela Jane Smith on her own behalf and James John Keith on his own behalf; and on considering the evidence put forward;

THIS COURT ORDERS that

Subject to section 12 of the *Divorce Act* (Canada), the claimant, Angela Jane Smith, and the respondent, James John Keith, who were married at Kelowna, BC, on AUG/20/2015, are divorced from each other, the divorce to take effect on the 31st day after the date of this order;

THIS COURT ORDERS that

1. The claimant may purchase the respondent's share in the family home, located at 7723 Hallow Street, Kelowna BC and described as PID: 01-234-567, Lot 65, Block 12, Section 1, Kelowna City, Plan 1234 within 21 days of the date of this order.
2. If the claimant does not purchase the family home, it will be listed for sale and sold.
3. The list price of the family home will be the average of values determined by two certified appraisers. The claimant will get one appraisal. The respondent will get the other appraisal.

4. Until the family home is sold, the claimant will have sole occupancy of the family home.
5. Until the family home is sold, the claimant will be responsible for making all payments required under the terms of the mortgage on the family home.
6. When the family home has been sold, the proceeds of sale shall be distributed as follows: a) to the real estate commission and associated GST; b) to the usual vendor-purchaser adjustments, including property taxes; c) to the payout, including penalties and interest, of the name of financial institution mortgage; and d) the balance then remaining shall be divided equally between the claimant and respondent.
7. The Canada Pension Plan credits that have accumulated during the relationship shall be divided between the claimant and respondent according to the policy and procedure of the Federal Government of Canada, with the dates for division being the cohabitation date of JUN/01/2003 to the date of separation, MAY/10/2015.
8. The claimant is entitled to receive a share of the respondent's benefits under name of plan as provided under Part 6 of the Family Law Act. The claimant must file the prescribed forms to receiving that share.
9. The dates to use for calculating the claimant's share are JUN/01/2003 to the date of separation, MAY/10/2015.
10. The respondent will transfer \$83,000 from the respondent's TD Bank RRSP, to a registered plan in the claimant's name by a spousal rollover under section 146(16)(b) or section 146.3(14) of the Income Tax Act.
11. The claimant will pay off the following debts: all debts registered in her name.
12. The respondent will pay off the following debts: all debts registered in his name.
13. The joint accounts will be closed.
14. The claimant will take possession of the 2012 Toyota Matrix.
15. Under s. 40(2) of the Family Law Act, the claimant and respondent will share equally all parental responsibilities for the children.
16. The children will live alternating weeks with the claimant and respondent. In the week the children are living with a parent, that parent will pick the children up on Monday after school and drop them off at school the following Monday morning.
17. The children will be exchanged at the children's school, unless otherwise agreed between the parties.
18. The claimant is found to be a resident of British Columbia and is found to have a guideline income of \$ 28,000.
19. The respondent is found to be a resident of British Columbia and is found to have a guideline income of \$ 65,000.

- 20. The parties will share parenting time, and the children will live with each of them at least 40 percent of the time. The claimant's monthly amount in Schedule 1 of the Guidelines is \$ 432, and the respondent's monthly amount in Schedule 1 of the Guidelines is \$ 986.
- 21. The respondent will pay to the claimant the sum of \$554 per month to set off the parties' table amount under the Guidelines for the support of the children.
- 22. The child support will be paid commencing on July/01/2015 and continuing on the 1st day of each and every month thereafter, for as long as the children are eligible for support under the Family Law Act or until further Court order.
- 23. The parties will share the costs of the children's special or extraordinary expenses in proportion to their guideline incomes.
- 24. The parties will review child support annually by May 31<sup>st</sup> of each year and, if necessary, revise it to ensure that it accords with the requirements of the Child Support Guidelines.
- 25. The respondent will pay to the claimant for that party's support the sum of \$312 per month, commencing on July/01/2015 and continuing on the 1st day of each and every month thereafter until further Order of this Court.
- 26. The claimant and respondent must each notify the other immediately upon becoming aware of a material change in circumstance that may affect child or spousal support obligations.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:  
*[A signature line in the following form must be completed and signed by or for each approving party.]*

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Signature of  
 party  
 lawyer for [name of party(ies)]  
 Angela Jane Smith

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Signature of  
 party  
 lawyer for [name of party(ies)]  
 James John Keith

By the Court.

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Registrar