

ANTIGUA AND BARBUDA

**IN THE HIGH COURT OF JUSTICE
(MATRIMONIAL)**

Claim NO ANUMT2010/0083

BETWEEN:

SHARON HYPOLITE

Respondent/Petitioner

AND

CLEMENT HYPOLITE

Applicant/Respondent

Appearances

Mr Raymond Dexter Wason for the Applicant

Mr Damien Benjamin for the Respondent

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2016: May 9
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JUDGMENT

- [1] LANNS, J [Ag]: This is an application by the Applicant Clement Hypolite for Ancillary relief.
- [2] The parties were married on the 23rd December 2005. A Decree Absolute was pronounced on the 1st March 2011.
- [3] On the 22nd March 2013, the Applicant filed a Notice of Application asking the court to determine the respective interests and equity of the parties in the former Matrimonial Home and a parcel of land described in the Register of Lands as Registration Section: West Central Block 11--2191B: 167. The application was supported by the affidavit of the applicant.
- [4] The Respondent filed an affidavit in reply on the 25th July 2013, and the Applicant filed an affidavit in answer on the 27th November 2014.
- [5] The application eventually came before me for hearing on the 9th May 2016.
- [6] Having reviewed the application, and having considered the affidavits of both parties and the documents exhibited thereto; and the court, noting that Parcel 167 on which the former Matrimonial

Home stands, is registered in the sole name of the Respondent who has been servicing the mortgage in respect thereof, and that a boat purchased in the joint names of the Applicant and the Respondent features in the material before the court, the court took the view that this is a matter that could and should be settled by the parties. The court therefore urged that the parties engage in discussions with a view to settlement, and both counsel agreed. Accordingly, private discussions ensued between the parties within the precincts of the Court House.

[7] Happily, when the matter resumed in the presence of the Applicant and the Respondent, counsel informed the court that the parties had reached settlement in the following terms:

- (1) That the Respondent do pay to the Applicant the sum of Five Thousand Dollars (\$5000.00) in the following manner:
 - (a) The sum of Five Hundred (\$500.00) per month commencing on the 1st day of September 2016, and continuing with a like sum on the first working day of each and every month thereafter until the entire sum of Five Thousand Dollars (\$5000.00) is fully paid.
- (2) That the Respondent do, relinquish in writing all claims to the fishing boat named "Cs Silver Starlight".
- (3) That the property described in the Register of Lands as Registration Section: West Central Block 11--2191B: Parcel 167 shall remain with the Respondent absolutely, free of any share of the Applicant.
- (4) That each party shall pay his/her own costs.

[8] JUDGMENT ACCORDINGLY.


Pearletta E. Lanns
High Court Judge [Ag]