

**IN THE SUPREME COURT OF  
THE REPUBLIC OF VANUATU**  
(Matrimonial Jurisdiction)

**Matrimonial Case No.07 of 2004**

**BETWEEN: LAURENCE JENNIFER PATTERSON**  
**Applicant**

**AND: MICHAEL PATTERSON**  
**Respondent**

*Mrs. Laurence Jennifer Patterson, the Applicant in person  
Ms Colleen Carey for the Respondent*

**JUDGMENT**

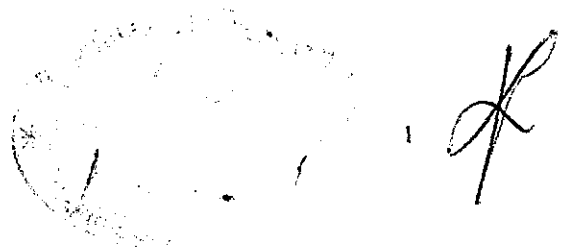
This is an application by the Applicant against the Respondent over matrimonial properties. The Applicant and the Respondent were former wife – husband. Their marriage was dissolved by the Court on 8 July 1998. In the 2001, interim mechanism was reviewed from time to time. The Applicant has the custody of the children. She resides in her village (Erakor) with the children of the marriage. The Respondent works and resides in Luganville, Santo.

In her application, she applies for the following:

1. Her share from Land Title No.11/0B31/007 including the matrimonial home at Nambatu (2) area valued at approximately 10,000, 000 Vatu was acquired during the course of their marriage.
2. Her share from the workshop built and situated on the same land registered under the name of the Respondent
3. Her share from all the chattels and while household contents on goods there in the residential home at Nambatu area valued at approximately 1,500,000 Vatu.

RECEIVED

23 SEP 2004



4. Her share from the truck known as Toyota Hilux 2WD registered No.2227 to be assessed.
5. Costs and other relief against the Respondent.

The evidence and facts show the following:

The Respondent purchased a house, workshop and a truck during the marriage and they were registered in his name. The Applicant did not contribute any money to the purchase of the land, house, workshop and the truck.

It was the intention of the Respondent, at the time of the purchase of the land containing the house and workshop that the house be purchased for the benefit of the 2 children of the marriage, including Cameron Patterson, born on 6 August 1986, the child of the Respondent's first marriage.

The purchase of the truck was primarily for the Respondent's work. The truck was used 75% for work and 25% for family at the time of the marriage. It is now worth 400,000 Vatu.

During the marriage, the Applicant and the Respondent employed a house girl. The Applicant did all domestic duties including cooking, washing clothes, ironing and even care for the children. From time to time, the house girl looks after the children when the then couple were decided to go out.

The case of Michel v. Michel provides a definition of Matrimonial properties. [Matrimonial Case No.2 of 2001]. Applying the rational of Guessing v. Guessing the share of matrimonial properties is made on the following circumstances:

- (i) The couple have shared the financial circumstances;



2

- (ii) There has been a common intention to acquire the property on behalf of both and this common intention has been expressed or implied by words or behaviour.

The Claimant submits that because the properties were acquired during the marriage, she is entitled to a share in each of the properties she claimed an interest thereon.

The Respondent says as follows:

1. The Applicant was never in employment during the marriage and the property and the business were never jointly owned by the parties. Therefore, the facts in the case of Michel v. Michel, Matrimonial case No.2 of 2001 distinguish it from the case at hand.
2. The parties in the mentioned case above had interest and she is in the property. This is not the case at all here. The Applicant has never expressed any intention to the property or business and therefore cannot rely on CC 2 of 2001.
3. The rule in Guessing v. Guessing, 1971, Appeal Case 886 as listed in CC No2 of 2001 cannot apply in this case. Because the couples in the case at hand had never share any financial contributions to acquire properties on behalf of the both. This Court must differentiate Guessing v. Guessing from the case at hand.

On the evidence, the Applicant contributed about 20% of the work in the matrimonial home.

Is this entitled her to a beneficial interest in the properties she claimed a share on? The answer is in the affirmative. She has an interest.

The next question how to quantify the share?



A handwritten signature in black ink, appearing to be the initials 'R' with a flourish.

All the financial contribution for the purchase of the properties are made by the Respondent.

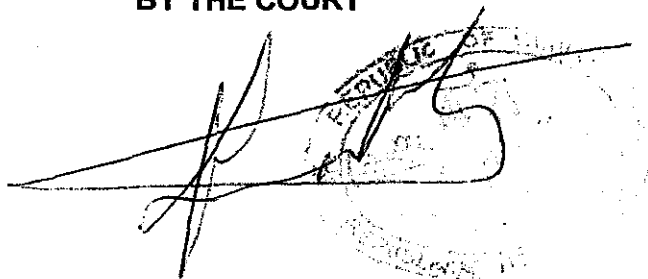
Based on the limited material before me, I assess the share of the Applicant in the properties to be of 2,500,000 Vatu.

**ORDER**

1. The Applicant is awarded VT2,500,000 representing her share in the properties described as land Title No.11/OB31/007, at Nambatu area, Port-Vila, Vanuatu and the chattels and household contents located in the land property.
2. Each party to bear their own costs.

**Dated at Port-Vila this 24<sup>th</sup> day of June 2005**

**BY THE COURT**

A handwritten signature in black ink is written over a circular official seal. The seal contains the text 'REPUBLIC OF VANUATU' and 'CHIEF JUSTICE' around its perimeter. The signature is a stylized, cursive script.

**Vincent LUNABEK  
Chief Justice**