



D E C I S I O N

MORIN, J.: (Orally)

5 On July 8, 2004, The Honourable Mr. Justice I. Goldenberg of the Court of Queen's Bench for Saskatchewan (Family Law Division) made a provisional order terminating the Respondent Edward Jordan's obligation to pay spousal support to the petitioner Marcella Jordan, effective November 1<sup>st</sup>, 2003 and giving certain directions with respect to accumulated arrears.

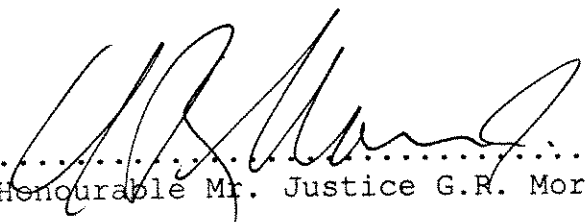
10 This is a hearing pursuant to s. 19 of the *Divorce Act* to determine whether this court will make an order a) confirming the provisional order without variation; b) confirming the provisional order with variation; or c) refusing confirmation of the provisional order (see s. 15 19(7) of the *Divorce Act*).

20 From the materials transmitted to me pursuant to s. 18 of the Act, I am unable to determine the reasoning of The Honourable Mr. Justice Goldenberg in making the provisional order that he did. It appears that no written reasons were given. Indeed, I am unable to determine with 25 any degree of confidence what evidence was before the learned justice when he made the provisional order. In transmitting the materials to this court, s. 18(3) of the *Divorce Act* appears not to have been complied with.

30 On this hearing, the petitioner Marcella Jordan

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has filed a comprehensive affidavit sworn October 12, 2004 setting out the background of this case. As well, she has given sworn viva voce evidence at this hearing. This was a 30-year marriage, the parties having been married August 27, 1966 and divorced January 10, 1997. The petitioner is presently unemployed. I am satisfied that she is very much in need of spousal support and that the Respondent has the ability to pay in accordance with the outstanding judgments. It would appear from the petitioner's affidavit and her viva voce evidence that significant amounts of money are owing to her by the Respondent under those judgments.

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I see no good purpose to be served in remitting this matter back for further evidence to the Court of Queen's Bench for Saskatchewan (see s. 19(8) of the *Divorce Act*). In all of the circumstances, I refuse to confirm the provisional order of The Honourable Mr. Justice Goldenberg dated July 8, 2004 and it is so ordered.

  
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The Honourable Mr. Justice G.R. Morin

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**THE COURT:** Now, Madam Registrar, would you ensure that the reporting and filing directions that are set out in s. 19(12) of the *Divorce Act* are complied with. It is necessary for us under