

IN THE COURT OF QUEEN'S BENCH OF ALBERTA  
JUDICIAL DISTRICT OF CALGARY

BETWEEN:

**GOLDA VAN MESSEL**

Plaintiff

- and -

**EZRA ISAAC LEVANT**

Defendant

**STATEMENT OF DEFENCE**  
**AND COUNTERCLAIM FOR DIVORCE** AND *DIVISION OF MATRIMONIAL*  
*PROPERTY*

**STATEMENT OF DEFENCE:**

1. The Defendant agrees to the following relief sought by the Plaintiff:
  - (a) A Divorce Judgment;
2. The Defendant contests the following part or parts of the Statement of Claim:
  - (a) The Defendant contests spousal support in any amount being paid to the Plaintiff;
  - (b) The Defendant contests paying the Plaintiff's costs of this action.
3. The Defendant's grounds for contesting the Statement of Claim are as follows:
  - (a) The Plaintiff has two post-secondary degrees/diplomas and is well able to support herself;
  - (b) The Defendant is financially unable to pay spousal support to the Plaintiff;

**COUNTERCLAIM:**

**To this Honourable Court:**

**The Parties**

1. (1) The date of the marriage was: October 24, 1999.
- (2) The place of the marriage was: Toronto, Ontario.
- (3) The surnames of the parties at birth were:  
Husband: Levant;  
Wife: van Messel.
- (4) At the time of the marriage the marital status of each party was:  
Husband: Single;  
Wife: Single.
- (5) The wife was born at Vancouver, British Columbia, on the 27th day of December, 1974.
- (6) The husband was born at Calgary, Alberta, on the 18th day of February, 1972.
- (7) The parties ceased cohabiting on the 24th day of July, 2004.
- (8) The Plaintiff's address is: c/o 1610, 700 Fourth Avenue SW, Calgary, AB, T2P 3J4.
- (9) The Defendant's address is: c/o 600, 12220 Stony Plain Road, Edmonton, AB, T5N 3Y4.

**Residence**

2. The Plaintiff has been ordinarily resident in the Province of Alberta for at least one year immediately preceding the date of this Statement of Claim.

**Grounds**

3. The Plaintiff's ground for divorce is the breakdown of the marriage by reason of:  
The parties have been living separate and apart in excess of one year.

### **Reconciliation**

4. (1) There is no possibility of reconciliation.
- (2) The following efforts to reconcile have been made:  
No recent efforts of reconciliation have been made.

### **Bars to Divorce**

5. (1) There has been no collusion in relation to this Divorce Action.

### **Children**

6. The particulars of the children of the marriage are as follows:
  - (a) There are no children of the marriage as defined by the *Divorce Act*.

### **Agreements**

7. There are in existence the following agreements between the parties or with a third party relating to the children of the marriage:

There are no written or oral agreements between the Plaintiff and the Defendant.

### **Court Proceedings**

8. The details of any court orders whether in the Court of Queen's Bench of Alberta, the Provincial Court of Alberta or any other jurisdiction in regard to the marriage, support of the parties, property or custody, access and support of the children are as follows:

There are no court proceedings other than the within action.

### **Employment**

9. (1) The Plaintiff's:
  - (a) place of employment is: JS Fashion International Imports Ltd.;
  - (b) gross income is: unknown per month;
  - (c) total income for the last tax return was: \$19,135.00;
  - (d) taxable income for the last tax return was: \$19,135.00;

(2) The Defendant's:

- (a) place of employment is: Western Standard;
- (b) gross income is: unknown per month;
- (c) total income for the last tax return was: <\$31,831.00>;
- (d) taxable income for the last tax return was: \$0.00;

***MATRIMONIAL PROPERTY CLAIM:***

- 10. The parties are resident in Alberta.
- 11. During the marriage the parties acquired both real and personal property in their names, either jointly or separately. The particulars of that property, together with the exemption claimed will be set out in the matrimonial property statements to be filed in the within action.
- 12. The Plaintiff and Defendant are entitled to an equitable division of the matrimonial property.
- 13. Trial of this action to be held at Edmonton, Alberta.

***CLAIMS UNDER THE DIVORCE ACT:***

- 14. The Plaintiff makes the following claims:
  - (a) A Divorce Judgment;
  - (b) No spousal support be payable by either party.
  - (c) Each party to bear their own solicitor/client costs.

***CLAIMS UNDER THE MATRIMONIAL PROPERTY ACT:***

- 15. The Plaintiff makes the following claims:
  - (a) An Order for the distribution of all of the property acquired by the Plaintiff and Defendant, either jointly or separately, in such manner as the Court deems just and equitable;
  - (b) Such further relief and directions as the Court considers necessary to give effect to the distribution of the matrimonial property.
  - (c) Each party to bear their own solicitor/client costs.