



[2012] JMSC Civ.155

**IN THE SUPREME COURT OF JUDICATURE OF JAMAICA**

**IN THE CIVIL DIVISION**

**CLAIM NO. 2009 HCV 02579**

<b>BETWEEN</b>	<b>MERDELLA VICTORIA JOHNSON</b>	<b>CLAIMANT</b>
<b>AND</b>	<b>FRANKLYN JOHN JOHNSON</b>	<b>DEFENDANT</b>

Ms. Nicole Burgher instructed by Rogers Burgher & Co. for the Claimant

Ms. Simone Jarrett instructed by Leroy Equiano of the Legal Aid Clinic for the Defendant

**IN CHAMBERS**

**HEARD: 22<sup>nd</sup> October 2012 CAV 2<sup>nd</sup> November 2012**

**DIVISION OF MATRIMONIAL PROPERTY DAMAGED BY  
FIRE - HOW VALUE ARRIVED AT**

**CORAM: D.O. MCINTOSH, J**

[1] This matter should have been settled at mediation.

There is no dispute that the matrimonial home should be divided equally therefore both parties are entitled to a 50% share.

[2] The parties agree that the property which consisted first of a Portmore Quad was enlarged by addition but the original quad had been damaged by fire. The defendant got money from insurance, renovated the damaged area and built an

upstairs section on top of the original family home. The claimant left the family home after or at the time of the fire.

- [3] The defendant now contends that the court cannot arrive at a valuation as no valuation had been done by a 'reputable valuator' and the property had been substantially improved since the fire.

While it is true that no recognized firm of valuers had done a valuation, the fire department had done one and valued the building at five million dollars (\$5,000,000.00). They are accustomed to doing valuations. In the evidence of defendant, he estimated a value of about four million dollars (\$4,000,000.00).

This court will act upon these valuations and will place a nominal value of four to five million dollars (\$4-5,000,000.00) on the family home.

- [4] This court therefore gives judgment for claimant in the sum of two million two hundred and fifty thousand dollars (\$2,250,000.00) with costs to be taxed if not agreed.