



Supreme Court of Nova Scotia

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TO: Ralph Ripley, counsel for P and B Krug
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752-7810

CC:

FROM: Dana Hunt, Deputy Prothonotary

DATE: September 1, 2017

NUMBER OF PAGES (INCLUDING COVER PAGE): 3

SUBJECT: SPH – 459656
Krug, Krug v. F.E. Property Sales Ltd, Eckhardt,
Eckhardt

Please see attached – issued order.

Certified copies to follow in the mail

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IN THE SUPREME COURT OF NOVA SCOTIA
I hereby certify that the foregoing document
is a true copy of the original.

Dated 1st day of September 2017

2017

DANA HUNT
DEPUTY PROTHONOTARY

Dana Hunt
Prothonotary

SPH No. 459565

SUPREME COURT OF NOVA SCOTIA

BETWEEN:

PETRA KRUG and BERNHARD KRUG

APPLICANTS

-and-

F.E. PROPERTY SALES LIMITED, a body corporate,
FRANK ECKHARDT and VANESSA ECKHARDT

RESPONDENTS

CONSENT ORDER

BEFORE THE HONOURABLE JUSTICE *Patrick Murray* IN CHAMBERS:

WHEREAS the Applicants transferred €80,000.00 (EUR) to the Respondent Vanessa Eckhardt in August, 2015;

AND WHEREAS the Applicants and the Respondent F.E. Property Sales Limited ("FEP SL") executed an agreement dated November 3, 2015 respecting the purchase and sale of lands bearing PID. No. 75082602 (the "Property");

AND WHEREAS the Applicants transferred €97,000.00 to FEP SL in February, 2016;

AND WHEREAS the Property was transferred from FEP SL to the Applicants via Warranty Deed dated October 26, 2015 as filed with Land Registration Office for Richmond County, Province of Nova Scotia, on May 3, 2016, as Document No. 108888109 (the "Deed");

AND UPON it appearing that the Property was transferred pursuant to a mutual mistake on the part of the Applicants and the Respondents such that any agreement between those parties was made without any *consensus ad idem* between the parties;

AND UPON reading the affidavits and materials on file herewith;

AND WHEREAS the parties appear to have resolved all matters and are in agreement and are consenting by way of counsel:

NOW UPON MOTION:

1. IT IS HEREBY ORDERED that the perceived agreement between parties and the Deed resulting in the transfer of the Property from FEP SL to the Applicants is hereby declared null and void and otherwise rescinded as a matter of law.



- 2. **AND IT IS FURTHER ORDERED** that the Respondents shall return to the Applicants the Canadian equivalent of €80,000.00 (EUR), and the parties herein agree that this sum is the equivalent of \$113,000.00 Canadian Dollars;
- 3. **AND IT IS FURTHER ORDERED** that the Respondents shall return to the Applicants the Canadian equivalent of €97,000.00 (EUR), and the parties herein agree that this sum is the equivalent of \$144,810.00 Canadian Dollars;
- 4. **AND IT IS FURTHER ORDERED** that on receipt of the funds ordered paid by the Respondents under paragraphs 2 and 3 herein, the Applicants shall provide to FEPSL a quit claim deed for the Property which shall forthwith be registered by FEPSL with the Land Registration Office for Richmond County;
- 5. **AND IT IS FURTHER ORDERED** that the within Application in Court is dismissed without costs.

DATED at Port Hawkesbury, Nova Scotia, this 1st day of September, 2017.

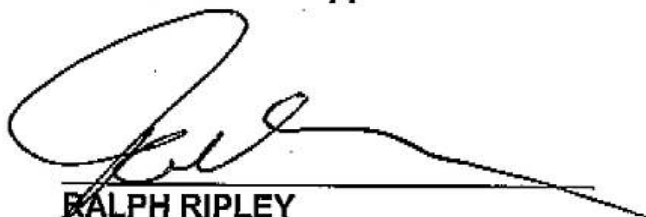


 PROTHONOTARY

CONSENTED TO:



JAY MATHESON
 Counsel for the Applicants



RALPH RIPLEY
 Counsel for the Respondents