



FAMILY LAW PRACTICE TIPS

ISSUE No. 15

**Topic: A Spreadsheet: An Automated Equalization
Of Matrimonial Assets and Debts**

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This memorandum was prepared by Justice Doug Campbell in reply to the request of ACJ O'Neil as outlined in his Notice to the Bar dated November 6, 2014. It represents Justice Campbell's personal viewpoint and may or may not require some adjustment to conform to the preferences or practices of individual Judges. That will be left up to the Judge and the lawyer, if any, involved. Readers who make use of the within material do so therefore at their own discretion and subject to their own judgment.

Formulation: 1) **My Excel Spreadsheet for dividing assets and debts between spouses is found by clicking [HERE >>](#). This will allow you to open it in Excel and utilize it.** The following instructions are offered to assist the user;

2) The advantages of its use are that:

- a) the mathematics are automated, so the task is performed efficiently; and
- b) it tends to identify keystroke mistakes for easy correction; and
- c) it will promote "standardization" of format if it is adopted widely by lawyers, self-represented parties and Judges.

Instructions:

1. **Use "save as" to save the template to a newly named document such as your client's name so as to preserve the template. Save the template with a name such as "Asset Division Template". The following instructions will assist with your use of it:** (some of this discussion relates to navigating an Excel Spreadsheet in general and other comments are specific to this particular spreadsheet designed to divide assets).
2. Start by entering the parties' names at the top of the spreadsheet after the salutations, "Mr." and "Ms." (change to their actual names if they are a same sex couple). (Notice that the male name is right adjusted; meaning that it appears to the right hand side of its cell so that it lines up well when printed). So, place your insertion point to the right of the period after "Mr." and then type his name. Do the same for "Ms." These names will automatically be repeated where needed elsewhere in the spreadsheet.

3. Page 1 deals with Real Estate only, listing a maximum of 4 properties. For each one, there is a subtraction from gross value for (a) mortgage, (b) Other Debts; (c) sales commission, (d) legal fees. As such, it calculates the **net value** of each property. The mortgage is not shown below in the debts section. These net values will then automatically appear on Page 2 in the appropriate cell. (On your screen, page 1 and page 2 run together; it is only when you print them that you see that they are separate pages).

(Enter an address for each applicable property in the cell that contains numbers 1 and up to 4 if there are 4 properties. Do not make the mistake of placing a value in the cell opposite the words "real estate"; instead, make sure the value goes in the cell in the "value" column opposite the address cell). One purpose of the "Value" column is that it provides a number or a total of numbers that acts as a "balance" with the allocation columns (to identify errors).

4. Details of joint ownership, or ownership by the husband or the wife can be shown in the "O" (owner) column as J, H or W (meaning "joint", "Husband", or "Wife" - choose a different reference for a same sex couple). This is obviously optional but provides useful information to help remind the Judge writing the decision or the lawyer implementing the arrangement whether the execution of a deed or transfer paper is or is not needed.
5. Similarly, the "comments" column is optional and can be used to record details such as whether the property is a matrimonial home or cottage, the name of the financial institution or account number or any other identifying information that might assist in clarifying exactly what asset it being assigned to which spouse.
6. Page 2 **repeats** the **net value** of Real Estate and then offers blank cells into which you will value all the other matrimonial assets and debts. So, first fill out page 1 - Real Estate and allocate it as between the two parties on page 2, then enter values for the other assets listed on page 2 that apply to the subject case. On your computer screen it is difficult to distinguish page 1 from page 2. That will be obvious when you print it and I recommend doing so in the beginning for illustration purposes.
7. As you enter each asset or debt value in the "Value" column **of page 2**, assign that value to one or the other of the spouses by entering that whole amount in his or her column (unless your position is to divide it equally or by some other percentage in which case you would assign such amount to each spouse).

8. As you assign numbers from the "value" column to a particular spouse, the equalization payment at the bottom of the chart automatically recalculates. If you make a mistake by key stroking a wrong number, the equalization payment being subtracted from one spouse and added to the other will not be equal and your error will then be obvious and you can then make the necessary correction.

Navigating a MS Excel Spreadsheet and this one in particular:

1. All text and numbers must be entered in a particular cell. To enter text or numbers into a particular cell, highlight the cell either by clicking in that cell or by using the arrow keys up, down or left or right; when moving from one cell to a near-by cell, the arrow keys are much faster than the mouse for me.
2. If zeros are already showing in a cell, no number or text can be entered there because that cell contains a formula which generates a number from other cells. If you try to put a number there a message will tell you that you cannot do so without overwriting the formula. Do not try to overwrite because that will destroy the formula. If you need to change the numbers that come from a formula, go to the cell that the number comes from (the name of that cell will show up above on the formula bar) and make your custom change there.

For example, the Real Estate sales commission on page 1 is generated from the cell containing the Real Estate value multiplied by the 0.05 commission rate shown in a separate cell. To edit the commission, change the 0.05 rate to whatever you wish; e.g. 0.06 and press enter. (You will have thereby created a new formula – one based on 6% instead of 5%. Do not try to overwrite the Commission cell.

3. The obvious way to assign a value from the "value" column to one of the spousal columns is to highlight the cell for the chosen spouse (called the "destination cell") and then type in that cell the exact number that appears in the value column cell. However, there is a shortcut and it will avoid keystroke errors. Highlight the so-called destination cell, press the "=" sign, click on the cell in the value column that you wish to copy and then press "enter". In short, "=", click originating cell; "enter".) The number in the value column will automatically then be repeated in the column for the spouse to whom you are assigning that asset (and there can be no errors). It is as if you are saying to the program: "make this destination cell equal (type "=") to the number in the originating cell (click on that cell), ("enter") now please"!

4. The same type of shortcut is available when you wish to assign an item from the "value" column to the parties at say 50% each. Highlight the destination cell, press the "=" sign, press the "/" (meaning the divide by sign), press 2 and then press enter. In other words, you are saying put a value in the destination cell that is equal to the value in the "originating" cell divided by 2. This avoids the need for a calculator. No Mistakes!
5. When entering numbers in cells intended for numbers, **the comma will be generated automatically. Also, the decimal and zero cents will be generated automatically. There is no need to type commas or decimal points or zeros!** However, if there is a particular number of cents, you must enter the decimal and the numerals that represent the cents.
6. Text can be edited; for example, "Other Debt" could be changed to read "Second Mortgage". Just click on those words and type over them.
7. In the "Matrimonial Debts" section, values **need not be entered as negative** values since they are automatically subtracted from the total matrimonial assets (contrasting that, however, is that, if an asset has a negative value it must be entered using a minus sign - however, it will appear in parenthesis indicating a subtraction since a minus sign is sometimes hard to see (e.g. maybe a bank account is overdrawn and must be shown as a negative value)).
8. **You may add a row** to the spreadsheet that does not exist without impairing the formulas. For Example, you may want to add "Capital Gains Tax" below the "Mortgage" item and subtract it from the Real Estate Value. Go to the *column of row numbers* (i.e. the very far left column of numbers that are outside the actual spreadsheet). Right-click there in the numbered row **below** the place where you want the new row to appear. Then click "Insert". A new row will appear in which you can enter information such as "Capital Gains Tax" and corresponding values without impairing the mathematical formulas.
9. The spreadsheet is "protected" from adding extra text, so if you wish to add text, let's say, at the bottom, for example; "The factory is not a matrimonial asset but Mr. Smith shall have 14.6% share of it (being \$108,429) in addition to the within equalization payment"; you will be denied access. So, click "review" in the Menu Bar; click "unprotect sheet"; type your needed text; then click "protect sheet" and OK to return it to its protected status.

10. If the reader should use this spreadsheet for either a settlement conference brief or trial brief, please send the paper copy as part of your brief and an electronic copy to the following email address: SCFamilyHFX@novascotia.ca and confirm in the written brief that this has been done.