

Rockingham
No. 79-148

RONALD E. EDIN

v.

LILLIAN B. EDIN

October 24, 1979

Fisher, Parsons, Moran & Temple, of Dover (*Stephen A. White* orally), for the plaintiff.

Thomas M. Keane, of Portsmouth, by brief and orally, for the defendant.

MEMORANDUM OPINION

The parties to this action were divorced in February 1974. In accordance with a stipulation incorporated in the decree, the plaintiff was ordered to pay the defendant \$100 per week for the support of the four minor children, "said support shall be continued . . . until the age of twenty-one."

In 1978 Lillian filed a petition to increase the support payments alleging, *inter alia*, that Ronald had unilaterally reduced payments to \$50 per week. After a hearing, the Master (*Nicholas G. Copadis*, Esq.) recommended that payments be continued at \$100 per week but that \$25 of that payment be made directly to one child, a college student residing away from home. A decree was entered in accordance with this recommendation by *Mullavey, J.*

The plaintiff then moved to set aside the decree on the basis that payments should be reduced because one of the children living with his mother was self-supporting and that a daughter had been living with him but was now in college. On the master's recommendation, the motion was denied by *Randall, J.*, who transferred the plaintiff's exceptions.

The court was correct in ruling that the original decree did not provide for any reduction in support due to employment of a child under the age of twenty-one years. There being no transcript of the

