

dispute, and the record does not indicate that the court considered those sums in arriving at plaintiff's net income or ability to pay alimony. Because the record discloses sufficient evidence to support its findings, and they cannot be said to be erroneous, we find no abuse of discretion. *Beaudoin v. Beaudoin*, 118 N.H. 325, 327, 386 A.2d 1261, 1263 (1978); *Erin Food Services, Inc. v. 688 Properties*, 119 N.H. 232, 401 A.2d 201, 204 (1979). Furthermore, even if it was clear that the court erred in this matter, the relatively small size of the expenditures at issue would be de minimis and would not constitute reversible error considering plaintiff's substantial annual income. See 5 AM. JUR. 2d *Appeal and Error* § 790 (1962). See also *Legislative Util. Consumers' Council v. Pub. Serv. Co.*, 119 N.H. 332, 354, 402 A.2d 626, 640-41 (1979).

Exceptions overruled.

GRIMES, C.J. and KING, J., did not sit; the others concurred.

Merrimack
No. 79-166

ANITA R. PAINE

v.

WALTER R. PAINE

December 12, 1979

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thereafter, the decree was set aside on the defendant's motion and all weekly payments were ordered held in escrow pending a hearing. The matter was then heard by another Master (*Robert A. Carignan, Esq.*) who, after finding certain facts, recommended that payments of \$50 per week continue until October 1, 1979. A decree was entered accordingly by *Batchelder, J.*, on November 2, 1978.

The defendant filed a proposed reserved case which was rejected on the grounds that it contained statements contrary to the evidence. After a hearing, however, the reserved case was transferred by *Johnson, J.*, upon the posting of a \$500 bond by the defendant.

■ We have repeatedly stated that in matters of support and alimony, the trial court exercises a broad discretion. *E.g., Symmes v. Symmes*, 118 N.H. 488, 387 A.2d 1181 (1978); *Economides v. Economides*, 116 N.H. 191, 357 A.2d 871 (1976). Thus, the master's determination, adopted by the trial court, that alimony continue until October 1, 1979, may not be disturbed absent a clear abuse of discretion. *See, e.g., Grandmaison v. Grandmaison*, 119 N.H. 268, 401 A.2d 1057 (1979); *Madsen v. Madsen*, 109 N.H. 457, 255 A.2d 604 (1979).

■ ■ Moreover, the burden of upsetting the trial court's determination regarding the extension of alimony is heightened where, as here, there is no transcript. *Edin v. Edin*, 119 N.H. 783, 407 A.2d 828 (1979); *Cotter v. Cotter*, 119 N.H. 426, 402 A.2d 198 (1979); *McCrary v. Mahon*, 117 N.H. 762, 378 A.2d 1143 (1977). Absent a transcript, the issue of sufficiency of the evidence to support the decree cannot be raised and the only question before us is whether errors of law appear in the record. *McCrary v. Mahon*, 117 N.H. at 762-63, 378 A.2d at 114. *See also Hunneyman v. Hunneyman*, 118 N.H. 652, 392 A.2d 147 (1978).

The defendant claims that the plaintiff had the burden of proving not only her need for continued alimony but also the defendant's ability to pay, and that because she failed to introduce any evidence on the latter issue her petition should have been dismissed. *See Economides v. Economides*, 116 N.H. 191, 357 A.2d 871 (1976); *Calderwood v. Calderwood*, 114 N.H. 651, 327 A.2d 704 (1974). In *Calderwood*, this court acknowledged that in a proceeding to extend an alimony order under RSA 458:19 the spouse seeking the extension had the burden of establishing the other spouse's ability to continue payment. 114 N.H. at 653, 327 A.2d at 706.

■ ■ We learned at oral argument, however, that following the motion to dismiss for lack of evidence the defendant took the stand and

