

█ Lastly, the plaintiff claims that the defendants made the transfer with actual intent to hinder, delay and defraud present and future creditors, thereby rendering the transfer fraudulent under RSA 545:7. The master found on the evidence, however, that George conveyed his interest to accommodate Judith's demand that her property interest be protected. The master found that "strains" in the marriage in fact existed and that while "they do not create a fair consideration for the transfer, they do have a bearing on the defendant's motives in making the transfer and they cast doubt that the defendant's motives were" fraudulent.

█ It is incumbent upon the plaintiff to show by clear, convincing and direct evidence the existence of fraud or actual fraudulent intent. *Hoyt v. Horst*, 105 N.H. 380, 201 A.2d 118 (1964); *Ibey v. Ibey*, 93 N.H. 434, 43 A.2d 157 (1945). The plaintiff must therefore prove that George Vining had an actual intent to hinder creditors when making the subject conveyance. Based on the evidence, the master concluded that the plaintiff had not sustained the burden of proving that the transfer was made with actual intent to hinder, delay and defraud creditors. We hold that there was sufficient evidence on the record to support the master's finding that the plaintiff had not sustained his burden of proof.

Affirmed.

BROCK, J., did not sit; the others concurred.

Hillsborough
No. 79-297

SHIRLEY SOUCY

v.

NICHOLAS KOUSTAS

May 22, 1980

[REDACTED]

court did not abuse its discretion in denying the plaintiff's motion in this case. In the future, however, the granting of similar requests might reduce the potential for mistrials or appeals.

Exception overruled.

[REDACTED]

Merrimack
No. 79-364

CLAYTON W. DOWNING

v.

MONITOR PUBLISHING COMPANY, INC.

May 22, 1980

[REDACTED]

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