

THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2009-0244, In the Matter of Kim G. Kirby and Christopher B. Kirby, the court on March 19, 2010, issued the following order:

Christopher B. Kirby appeals from a final divorce decree recommended by a Marital Master (Cooper, M.) and approved by the Brentwood Family Division (LeFrancois, J.). We vacate in part and affirm in part.

After oral argument, the parties filed a stipulation, stating in part:

2. After appellate argument, the parties agreed to settle the appeal.
3. The parties agree to vacate the portion of the Decree of Divorce which provides that husband was a [] habitual drunkard pursuant to RSA 458:7 VII.
4. The parties agree that irreconcilable differences caused the irremediable breakdown of the parties' marriage pursuant to RSA 458:7-a.
5. The parties agree to all other terms of the Decree of Divorce and Final Order.
6. The parties agree that the divorce shall take effect immediately.

We approve the parties' stipulation and incorporate it with this order. Consequently, we vacate those portions of the parties' divorce decree providing that the respondent was a habitual drunkard pursuant to RSA 458:7, VII, and affirm all other provisions of the divorce decree.

Vacated in part; affirmed in part.

BRODERICK, C.J., and DALIANIS, DUGGAN, HICKS and CONBOY, JJ., concurred.

**Eileen Fox,
Clerk**

Distribution:

Clerk, Brentwood Family Division 618-2007-DM-00569

Honorable David G. LeFrancois

Marital Master Thomas G. Cooper

Brian G. Germaine, Esquire

James C. McCoy, III, Esquire

Joshua L. Gordon, Esquire

Mary Ann Callanan, Esquire

Lorrie Platt, Supreme Court

Irene Dalbec, Supreme Court

File