THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 2014-0762, Steven J. Cohen v. John Raymond & a., the court on March 14, 2016, issued the following order:

The court modifies the slip opinion issued in this case on November 17, 2015, as follows:

Page 4, third paragraph, seventh sentence is revised as follows:

> When the presumption is rebutted, the burden shifts to the child to show, by words or actions, that the parents did intend to make a gift.

Accordingly, the third paragraph on page 4 now reads as follows:

> Three reasons justify limiting the gift presumption to transfers of property between or among close family members. The first is "common practice." See R. Chester & G. Bogert, Trusts & Trustees § 460, at 455 (3d ed. 2005). Parents routinely make gifts to their minor and adult children. See id. at 455, 461-65. Many of these transfers occur without formalities; frequently there is no accompanying documentation reflecting the parent's intent to make a gift. But, because of their routine nature, it is usually safe to presume that transfers of property from parents to their children are intended as gifts. This presumption is, of course, rebuttable. Murano, 122 N.H. at 228. When the presumption is rebutted, the burden shifts to the child to show, by words or actions, that the parents did intend to make a gift. See id. But gifts from parents to in-laws, who are the sole beneficiaries, are not similarly common. The presumption of a gift in such a case is, therefore, not warranted.

Slip opinion modified.

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

Eileen Fox,
Clerk