FILED
MAY 2 9 1991
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 0-513 / 90-201

IN RE THE MARRIAGE OF JULIA LYNN ROTH AND RICHARD JOHN ROTH

Upon the Petition of

JULIA LYNN ROTH,

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Appellant,

And Concerning

RICHARD JOHN ROTH,

Appellee.

Appeal from the Iowa District Court for Scott County, David J. Sohr, Judge.

The wife appeals a district court order modifying a 1986 dissolution decree. She challenges various economic provisions of the modification order. **AFFIRMED.**

James L. Tappa of Spector, Tappa & Nathan, Rock Island, Illinois, for appellant.

No appearance for appellee.

Considered by Donielson, P.J., and Schlegel and Sackett, JJ.

DONIELSON, P.J.

Julia and Richard Roth were married in 1976. They had two minor children: Derick, born in August 1978, and Dustin, born in January 1981.

The marriage was dissolved in 1986. At the time of the decree Richard was employed by Lucky Foods, Inc. and had a gross annual income of $25,740. Julia was employed by the First National Bank of the Quad Cities and had a gross annual income of $10,800. The parties also received real estate income, which increased Richard's total income to $31,287 and Julia's total income to $11,402.

The dissolution decree placed the two children in Julia's physical care and directed Richard to pay child support of $250 per month per child. Richard was ordered to pay the mortgage payment of $362 per month on the marital home. Julia was ordered to pay a home improvement loan of $141 per month. Julia and the children were allowed to live in the home until the youngest child reaches the age of eighteen, at which time the home will be sold and the proceeds divided equally between the parties.

In 1989 Richard filed a petition to modify the 1986 dissolution decree. He sought a reduction in his child support obligation, along with other economic relief.

After a hearing, the district court determined that Richard's total income had decreased to $28,620 and Julia's total income had increased to $12,339. It appears that both parties now work for Eagle Foods. Julia had paid off

the home improvement loan, so that her expenses were decreased. The court determined this was a substantial change in circumstances and reduced Richard's child support obligation from $250 per month per child to $180 per month per child. The district court also reduced, from 100% to 50%, the share Richard must pay of the monthly mortgage payments on the marital home. In addition, the district court permitted Richard to claim the income tax exemption for one of the two children; previously, the parties had divided these exemptions informally.

Julia has appealed the modification order.

In this equity action, our review is de novo. Iowa R. App. P. 4. We have a duty to examine the entire record and adjudicate anew rights on the issues properly presented. In re Marriage of Steenhoek, 305 N.W.2d 448, 452 (Iowa 1981). We give weight to the fact findings of the trial court, especially when considering the credibility of witnesses, but are not bound by them. Iowa R. App. P. 14(f)(7).

Modification of a dissolution decree is only allowed when there has been a material and substantial change in circumstances since the original decree. Mears v. Mears, 213 N.W.2d 511, 514-15 (Iowa 1973). "The trial court has reasonable discretion in determining whether modification is warranted and that discretion will not be disturbed on appeal unless there is a failure to do equity." In re Marriage of Kern, 408 N.W.2d 387, 389 (Iowa App. 1987)

(citing In re Marriage of Vetternack, 334 N.W.2d 761, 762 (Iowa 1983)).

The principles enumerated in Vetternack and applied in Kern are applicable here as well:

> A number of principles emerge from our cases: (1) there must be a substantial and material change in the circumstances occurring after the entry of the decree; (2) not every change in circumstances is sufficient; (3) it must appear that continued enforcement of the original decree would, as a result of the changed conditions, result in positive wrong or injustice; (4) the change in circumstances must be permanent or continuous rather than temporary; (5) the change in financial conditions must be substantial; and (6) the change in circumstances must not have been in the contemplation of the trial court when the original decree was entered.

Vetternack, 334 N.W.2d at 762.

Julia challenges the reduction in child support. She contends Richard failed to prove any substantial changes in circumstances. She notes Richard's hourly wage ($9.90) has not changed since the 1986 dissolution decree, and she questions Richard's claim that his overtime hours have decreased significantly. She also notes that since 1986 her own salary has increased only from $10,800 per year to $12,000 per year.

Julia also contends the district court erred by allegedly treating the recent adoption of child support guidelines as a change of circumstances.

In addition, Julia contends the district court erred by relieving Richard of half the mortgage payment on the marital residence.

Finally, Julia contends the district court erred by directing that Richard may always claim the income tax exemption for the younger child.

We do not believe there was a failure to do equity in this case. Richard's salary has decreased since the decree, while Julia's salary has increased. Richard now receives fewer employee benefits than he did before. While the district court mentioned that the present child support guidelines had not been in effect at the time of the 1986 decree, the court did not base its finding that there was a substantial change in circumstances on this ground alone. Neither do we. We find that there has been a substantial change in circumstances since the 1986 decree. We affirm the modifications made by the district court.

AFFIRMED.