FILED
DEC 21 1978
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF VIOLA LEMON AND CLYDE E. LEMON

Upon the Petition of)
VIOLA LEMON,) Filed December 21, 1978
Appellee,) 715
And Concerning) 2-61068
CLYDE E. LEMON,)
Appellant.)

Appeal from the Scott District Court - James R. Havercamp, Judge.

Husband appeals from trial court decree which denied his application to modify alimony award. Affirmed.

James M. Redmond, of Cedar Rapids, for appellant.

M. E. Kerr, of Davenport, for appellee.

Submitted to Oxberger, C.J., and Donielson, Snell and Carter, JJ.

PER CURIAM

Respondent, Clyde Lemon, appeals from the August 24, 1977 order denying his application to modify the alimony provision of the January 4, 1973 decree which dissolved his 25 year marriage to petitioner, Viola Lemon. Our review is de novo. Rule 4, Rules of Appellate Procedure. We give weight to the findings of the trial court, but are not bound by them. Rule 14(f)(7), R. App. P.

At the time of the 1973 dissolution Clyde was 54 years of age, and was employed as a salesman, netting $12,000 per year. Viola was 53 years of age and had seldom been employed during the 25 year marriage. Under the terms of the decree Viola was awarded the family home, valued at $22,000, and was ordered to assume the $9,000 mortgage indebtedness thereon. Clyde was ordered to pay permanent alimony of $225 per month. At that time Viola estimated her monthly expenses, including the house payments, to be $325.

In June, 1973, Clyde married the former Helen Marie Glanz. Helen had four children from a prior marriage. During the marriage of Clyde and Helen two of these children have usually resided with them. At the time the application for modification was filed, three of Helen's children were residing with them. Clyde seeks termination or reduction of his alimony obligation because of the financial plight which stems from the financial burdens of maintaining his present household. His income has risen slightly to an annual net of $13,582. During his marriage to Helen she had been earning $430 per month until June, 1976. Since that time, however, she has been unemployed because of rheumatoid arthritis affecting her feet and hands. Clyde's income is now supporting five people, which he urges is a change justifying reduction of his alimony obligation. Viola continues to live alone in a house which is appreciating in value, and she has secured full-time employment as a sales clerk, from which she nets $300 per month.

An alimony award may be modified upon a sufficient showing of a change in circumstances since the time of the original decree. In re Marriage of Jensen, 251 N.W.2d 252 (Iowa 1977). The relative financial positions of the parties must have changed substantially, In re Marriage of Full, 255 N.W.2d 153, 158 (Iowa 1977); permanently, Alex v. Alex, 161 N.W.2d 192, 195 (Iowa 1968); and the change must be a result of factors which were outside the contemplation of the court which rendered the original decree. In re Marriage of Full, supra. In applying these principles in the present case, we agree with

the trial court's conclusion that Clyde has not made a showing of changed circumstances sufficient to warrant modification of the alimony provision. We cannot conclude that Viola's need to secure employment and the appreciation in the value of her house are matters not contemplated by the court which fashioned the original decree. We recognize the effect of inflation on Clyde's income, but also recognize that the real value of the $225 monthly alimony award has been drastically reduced. We also note that after incurring the alimony obligation, Clyde chose to undertake the financial burdens of a second family. This event and its effect upon the needs and obligations of the parties has been considered in light of the principles stated in Holesinger v. Holesinger, 252 Iowa 374, 107 N.W.2d 247 (1961). While Clyde doubtless did not anticipate his second wife's inability to work due to a health condition, we do not deem this to be a circumstance warranting modification. Clyde's current situation is unfortunate, but Viola's need continues. Under the circumstances we conclude the alimony provision must remain in effect.

AFFIRMED.