IN THE COURT OF APPEALS OF IOWA

No. 6-630 / 95-2185

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FILED

FEB 26 1997

CLERK SUPREME COURT

**IN RE THE MARRIAGE OF SANDRA KAY COLLINS AND ROBERT CLARK COLLINS**

**Upon the Petition of**
**SANDRA KAY COLLINS,**

Petitioner-Appellee,

**And Concerning**
**ROBERT CLARK COLLINS,**

Respondent-Appellant.

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Appeal from the Iowa District Court for Boone County, Gary L. McMinimee, Judge.

Robert Collins appeals from the district court's order modifying the parties' dissolution decree. **AFFIRMED.**

Dorothy L. Dakin of Dakin Law Office, Boone, for appellant.

Loren A. Nalean of Nalean & Nalean, Boone, for appellee.

Considered by Habhab, C.J., Huitink and Vogel, JJ.

**PER CURIAM**

Robert Collins appeals from the district court's order modifying the parties' dissolution decree by decreasing Robert's alimony obligation from $150 per week to $100 per week. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

Sandra and Robert Collins' more than twenty-year marriage was dissolved by decree entered in August 1993. The decree incorporated the parties' stipulation that Robert would pay Sandra $600 per month in alimony until the marital residence was sold, at which time Robert's alimony obligation would be $400 per month. Alimony was to continue for ten years or until the death of either of the parties or Sandra's remarriage.

In December 1993 a modification of the decree was entered, again incorporating the parties' stipulation, wherein Robert was to pay Sandra alimony in the amount of $150 per week. The duration was unchanged.

Robert filed this petition in February 1995 alleging his alimony obligation should be eliminated, in part because Sandra was cohabiting with a man and her living expenses were therefore reduced. Following a hearing, the district court concluded Sandra's decrease in living expenses constituted a substantial change in circumstances warranting a decrease in alimony to $100 per week. Robert appeals.

Our review of this modification proceeding is de novo. Iowa R. App. P. 4. The question before us is whether Sandra continues to need alimony: her cohabitation

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is a relevant factor that may affect her need for support. *In re Marriage of Schober*, 379 N.W.2d 46, 47 (Iowa App. 1985).

There is no question that Sandra cohabits and that her housing and utility expenses have been reduced. However, she continues to have monthly expenses of about $1000 and her earnings (about $564 net per month) and assets have not increased substantially since the decree was last modified. We conclude Sandra continues to have a need for support. Under the circumstances presented, we affirm the district court's order modifying the alimony award from $150 to $100 per week.

**AFFIRMED.**