IN THE COURT OF APPEALS OF IOWA

No. 1-236 / 90-1769

FILED
AUG 27 1991
CLERK SUPREME COURT

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IN RE THE MARRIAGE OF RICHARD E. HANNAH AND LaDONNA L. HANNAH

Upon the Petition of

RICHARD E. HANNAH,

Appellant,

And Concerning

LaDONNA L. HANNAH,

Appellee.

Appeal from the Iowa District Court for Jasper County, Dale B. Hagen, Judge.

Richard Hanna appeals a ruling of the district court finding there had been no substantial change in circumstances to justify a modification of alimony. **AFFIRMED.**

Lee M. Walker of Walker, Knopf & Billingsley, Newton, for appellant.

Charles F. Fairall of Fairall, Fairall, Kaplan, Hoglan, Condon & Klaessy, Marshalltown, for appellee.

Considered by Schlegel, P.J., and Hayden and Habhab, JJ.

HABHAB, J.

Richard and LaDonna Hannah were formerly married to each other. The marriage was dissolved in October 1986. At that time LaDonna was fifty-three years old and was not employed outside the home, while Richard was a farm cooperative manager earning around $55,000 per year. The 1986 decree directed Richard to pay LaDonna alimony of $1,000 per month.

In 1990 Richard filed the present petition to modify the decree. He asked that his alimony obligation be reduced or eliminated. He has remarried. As a change of circumstances, he alleged that LaDonna had obtained a job and that her earned income had risen from zero to around $10,000 to $12,000 per year. Richard's earned income had risen to about $61,000 per year. There has been little other change in his financial status.

On October 30, 1990, the district court entered an order declining to reduce or eliminate the alimony. The court held Richard had failed to prove it was outside the contemplation of the 1986 dissolution court that LaDonna would become employed. The court therefore held Richard had failed to prove a change of circumstances warranting a modification of the dissolution decree.

Richard has appealed from the district court's ruling. He reiterates his argument that the alimony should be reduced or eliminated because LaDonna has obtained a job since the 1986 dissolution decree.

Modification of the alimony provisions of a dissolution decree is justified only if there has been some material and substantial change in the circumstances of the parties, financially or otherwise, making it equitable that other terms be imposed. Thayer v. Thayer, 286 N.W.2d 222, 223 (Iowa App. 1979). The burden rests on the party seeking modification to establish such a change of circumstances by a preponderance of the evidence. Id.; Mears v. Mears, 213 N.W.2d 511, 513 (Iowa 1973). Circumstances that have changed, to justify modification of alimony, must be those that were not within the contemplation of the trial court when the original decree was entered. In re Marriage of Full, 255 N.W.2d 153, 159 (Iowa 1977). Such changes must be more or less permanent or continuous, not temporary. In re Marriage of Carlson, 338 N.W.2d 136, 141 (Iowa 1983).

The knowledge of the trial court at the time the award is made is the basis for determining whether there has been a change of circumstances. Full, 255 N.W.2d at 159; Leo v. Leo, 213 N.W.2d 495, 496 (Iowa 1973). The original decree is entered with a view to reasonable and ordinary changes that may be likely to occur in the relations of the parties. Mears, 213 N.W.2d at 514.

We agree with the trial court no substantial change in circumstances not in the contemplation of the trial court has occurred. The modest increase in Richard's salary, and Ladonna's obtaining employment for a modest wage both were reasonably foreseeable. Additionally, we note Richard is

presently sixty-two. At retirement, his alimony obligation is reduced to one dollar a month. LaDonna then will receive one-half of a certain percentage of his pension. As Richard is nearing retirement age, his alimony burden will soon be substantially reduced.

We affirm the trial court's findings there has been no substantial change in circumstances justifying a modification of alimony.

AFFIRMED.