FILED
OCT 05 1989
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 9-440 / 88-1454

IN RE MARRIAGE OF SHARON KING AND LEO P. KING

Upon the Petition of

SHARON KING,

Petitioner-Appellee/Cross-Appellant,

And Concerning

LEO P. KING,

Respondent-Appellant/Cross-Appellee.

Appeal from the Iowa District Court for Madison County, Robert O. Frederick, Senior Judge.

Both parties appeal a trial court order in a modification increasing alimony. **AFFIRMED.**

Gordon K. Darling, Jr. of Darling & Darling, Winterset, for appellant.

Susan K. Janssen, Winterset, for appellee.

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

SACKETT, J.

Respondent-appellant Leo P. King appeals and petitioner-appellee Sharon King cross-appeals from the trial court's order modifying their dissolution decree to increase the amount of Sharon's alimony award. Leo claims it is too high; Sharon claims it is too low. Leo challenges the attorney fee award made by the trial court. Sharon requests attorney fees on appeal. We affirm.

The parties were married in 1960 and their marriage was dissolved in February 1985. From 1984 to 1987 Leo's annual income increased approximately $4,000, from $33,000 to $37,000. Sharon's social security benefit payments increased from $193 to $202 per month during the same period.

Following trial, the court concluded there had been a sufficient change in circumstances to justify an increase of alimony in the amount of $150 per month and ordered attorney fees paid to Sharon in the amount of $1,200. The Decree of Dissolution ordered monthly payments to Sharon of $600 for alimony, $103 for property settlement, and $250 for child support. The child support terminated in May 1986 when the youngest child turned eighteen and graduated from high school. The property settlement payments will end on February 1, 1990.

In 1981 Sharon suffered a massive stroke which paralyzed her right side. At the time of the dissolution,

she could walk with a leg brace, but still could not use her right arm. In May 1985, three months after the dissolution, Sharon suffered a massive heart attack and in July 1985 another heart attack. In 1986 Sharon had foot surgery that became infected, requiring treatment from May to October. Sharon had additional surgery for skin grafting on the foot. In April 1987 Sharon had surgery to insert staples in her ankle.

On November 6, 1987, Sharon filed an Application to Modify Support, alleging changes in circumstances substantial enough to justify an increase in alimony. Specifically, Sharon claimed her health had deteriorated and she had suffered two heart attacks and undergone two surgeries. Secondly, she alleged she had incurred substantial medical expense and was unable to afford even minimal supplemental insurance, and finally, that Leo was earning substantially more than he was at the time of the dissolution.

Following the filing of the Application and before trial, Sharon underwent open heart surgery during which three bypasses were completed. Upon her return home, she required extra care. Two weeks later, she developed pneumonia. Sharon has suffered from blackouts. Since the dissolution Sharon has had increased expenses for medical bills and related expenses, including prescription drugs and transportation to obtain medical treatment. While most

of Sharon's medical bills are covered by Medicare, it will only pay eighty percent of the approved amount. Sharon is responsible for twenty percent plus any additional amount billed over the Medicare-approved amount.

Leo contends the increase was too high; Sharon contends it was too low.

On our de novo review of the evidence and the applicable case authorities, we find the award made by the trial court should be affirmed. See In re Marriage of Marshall, 394 N.W.2d 392, 397 (Iowa 1986).

Leo contends he should not have been ordered to pay attorney fees. We disagree. Attorney fees are allowable in modification matters. In re Marriage of Stanley, 411 N.W.2d 698, 702 (Iowa App. 1987); In re Marriage of Phipps, 379 N.W.2d 26, 30 (Iowa App. 1985).

Sharon has requested attorney fees on appeal. We feel an award is justified. We order Leo to pay $1,000 toward Sharon's fees on appeal.

AFFIRMED.