FILED
JUN 30 1978
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF STANLEY E. NYGAARD and AUDREY M. NYGAARD

Upon the Petition of

STANLEY E. NYGAARD,

Appellant,

And Concerning

AUDREY M. NYGAARD,

Appellee.

Filed June 30, 1978

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2-61140

Appeal from Bremer District Court - B. C. Sullivan, Judge.

Petitioner appeals from order denying application to modify dissolution decree. Affirmed.

Gary J. Boveia, of Waverly, for appellant.

Laird and Laird, of Waverly, for appellee.

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

PER CURIAM

Petitioner, Stanley Nygaard, appeals from the September 9, 1977 trial court order denying his application to modify the alimony provision of the September, 1976 decree which dissolved his marriage of 14 years to respondent, Audrey Nygaard. 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.

The obligation Stanley seeks to reduce requires that he pay alimony of $250 per month until either he or Audrey die or Audrey remarries. A party seeking modification must establish, by a preponderance of the evidence, a substantial change in circumstances from the time the original decree was entered. In re Marriage of Glass, 213 N.W.2d 668, 671 (Iowa 1973). Furthermore, the changed circumstances must be ones that were not in the contemplation of the court at the time of the original decree. Mears v. Mears, 213 N.W.2d 511, 515 (Iowa 1973). Stanley argues that his increased indebtedness and Audrey's new found employment constitute material changes in circumstances requiring modification. The trial court disagreed. We affirm.

The original decree divided the property of the parties nearly equally. Their house was sold and the equity therein split equally. Stanley's increased indebtedness since then includes a $1250 arrearage in child support payments, a $40,000 mortgage on a new home valued at $60,000, the cost of supporting a new wife and her three children, a $5000 loan from his new mother-in-law for new house furnishings, and the assumption of payments due on a van purchased by his present wife. Remarriage, coupled with the obligations assumed thereby, does not constitute a sufficient change in circumstances to justify modification. Bixby v. Bixby, 253 Iowa 1172, 1175, 115 N.W.2d 852 (1962) (and citations therein).

Stanley also contends that Audrey's employment is a material change. At the time of the original decree Audrey was unemployed. She had worked, however, during six of the 14 years the parties were married. At present she works two part-time jobs, netting $350 per month. We find Stanley has not established that Audrey's need to secure employment was not contemplated by the dissolution court. Stanley himself testified that at the time of the original decree he felt that Audrey would have to find a job. Audrey is currently living in a rented house and her standard of living has

unquestionably been lowered by the dissolution. Stanley seeks to maintain a standard of living previously enjoyed while having the same income and assuming new, and substantial financial obligations. The trial court properly refused to modify the decree.

AFFIRMED.