

FILED

JUN 26 1984

CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF HESTER JO DYRDA AND DONALD MICHAEL DYRDA

Upon the Petition of	)	336
HESTER JO DYRDA,	)	Filed June 26, 1984
Petitioner-Appellee,	)	
And Concerning	)	
DONALD MICHAEL DYRDA,	)	<u>4-196</u>
Respondent-Appellant.	)	83-870

Appeal from the Iowa District Court for Black Hawk County - R. J. Curnan,
Judge.

Respondent husband appeals from a district court order regarding the distribution of the net proceeds from the sale of the parties' triplex. **AFFIRMED.**

Samuel T. Beatty of Mosier, Thomas, Beatty, Dutton, Brown & Staack,
Waterloo, for respondent-appellant.

C. A. Frerichs of Fulton, Frerichs, Martin & Andres, P.C., Waterloo, for
petitioner-appellee.

Considered by Oxberger, C.J., and Donielson and Schlegel, JJ.

We affirm the distribution order of the district court. The order was in conformity with our prior mandate to divide the net proceeds equally (see In re Marriage of Dyrda, No. 3-67637, Iowa Ct. App. filed August 26, 1982)—because of the \$10,000 attachment by one of Donald's creditors, the \$5,000 judgment in favor of Hester with the setoff in Donald's favor for attorney fees was appropriately made in order to equalize the distribution of the net proceeds as we directed. Donald also claims that the district court erred in finding that all temporary support judgments and other obligations of Hester to Donald's benefit had been paid. We agree with the court's response to that argument; i.e., these are matters which were or could have been raised during the original dissolution proceeding and in the appeal from the decree which led to our previous decision in this matter. Donald gives us no reason for not raising these matters before; we refuse to reopen the record at this late date to raise issues that could have and should have been already decided.

AFFIRMED.