IN THE COURT OF APPEALS OF IOWA

FILED
DEC 26 1984
CLERK SUPREME COURT

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JAMES R. MILLEN,	)	
Plaintiff,	)	Filed December 26, 1984
vs.	)	
DES MOINES COUNTY DISTRICT COURT, William S. Cahill, Judge,	)	4-447 84-572
Defendant.		

Appeal from the Iowa District Court for Des Moines County - William S. Cahill, Judge.

Plaintiff brought this petition for certiorari challenging the trial court judgment finding him in contempt of a court order. WRIT ANNULLED.

James R. Millen, pro se.

T. K. Ford, Burlington, Iowa, for defendant.

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

PER CURIAM

Plaintiff, James Millen, brought this petition for certiorari challenging the trial court judgment finding him in contempt of a court order. Millen first argues that there was insufficient evidence to show that his failure to pay a portion of the property settlement ordered in his dissolution decree was willful. We have examined the record and find ample evidence that his failure to pay was willful. Millen received $15,000 from the sale of his interest in a condominium, but did not use any of that money to satisfy the court-ordered payment.

Millen also argues that his petition to modify the property settlement should have prevented the trial court from finding him in contempt. This argument has no merit. See Lutz v. Darbyshire, 297 N.W.2d 349, 352 (Iowa 1980).

We uphold the finding of contempt and annul the writ of certiorari.

WRIT ANNULLED.