



IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF RUTH ELIZABETH SJULIN
AND RICHARD LESLIE SJULIN

Upon the Petition of	)	
RUTH ELIZABETH SJULIN,	)	301
	)	Filed June 29, 1988
Petitioner-Appellee,	)	
	)	
And Concerning	)	
RICHARD LESLIE SJULIN,	)	8-317
	)	<u>87-1692</u>
Respondent-Appellant.	)	

Appeal from the Iowa District Court for Fremont County (No. 470) - Keith
E. Burgett, Judge.

Husband appeals from a modification of dissolution decree. **REVERSED.**

Gary T. Gee, Shenandoah, for the respondent-appellant.

Vicki R. Danley, Sidney, for the petitioner-appellee.

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

PER CURIAM

The parties' marriage of thirty-two years was dissolved in 1982. At that time Richard was employed by a family corporation which operated a nursery business, while Elizabeth was not employed and was recovering from alcoholism.

The dissolution decree awarded Elizabeth alimony of \$100 every two weeks for a period of five years. It also provided the trial court would retain jurisdiction to review the alimony award at the end of five years to determine whether alimony should continue.

Our review is de novo. Iowa R. App. P. 4.

In keeping with the supreme court's reluctance to recognize piecemeal decrees, we hold the one now before us was final and can be modified only upon a proper showing of change of circumstances. In re Marriage of Schlenker, 300 N.W.2d 164, 165 (Iowa 1981).

In her application to modify the dissolution decree Elizabeth asked for the alimony to continue and be increased because of her alleged need. Evidence at the hearing revealed Elizabeth was employed in a nursing home, working thirty-seven and one-half hours per week and she was earning \$4.13 per hour. Richard resisted Elizabeth's application.

The trial court ordered the alimony of \$100.00 bi-weekly continue until Elizabeth remarries, or dies, or upon the death of Richard, whichever event should first occur.

We find, upon a review of this record, Elizabeth has failed to sustain her burden to show a material change of circumstances has occurred since the dissolution was granted to warrant extending the time of Richard's alimony obligation beyond five years. We reverse.

Elizabeth's request for attorney fees on appeal is denied.

REVERSED.

Donielson, P.J., and Hayden, J., concur; Habhab, J., dissents.

HABHAB, J. (dissenting)

I dissent. I would affirm the trial court.