

IN THE COURT OF APPEALS OF IOWA

No. 6-878 / 06-0895
Filed December 28, 2006

**IN RE THE MARRIAGE OF NANCY ARLENE SUHR
AND KENNETH D. SUHR**

**Upon the Petition of
NANCY ARLENE SUHR,**
Petitioner-Appellee,

**And Concerning
KENNETH D. SUHR,**
Respondent-Appellant.

Appeal from the Iowa District Court for Sac County, Gary L. McMinimee,
Judge.

The respondent appeals from the district court's order denying his petition
for modification of the dissolution decree. **AFFIRMED.**

Joseph J. Heidenreich of Dresselhuis & Heidenreich, Odebolt, for
appellant.

David P. Jennett of Dave Jennett, P.C., Storm Lake, for appellee.

Considered by Huitink, P.J., and Vogel, J., and Robinson, S.J.*

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2005).

VOGEL, J.

Kenneth Suhr appeals from the district court's denial of his petition to modify the custody provisions of the parties' dissolution decree. The modification action sought to change physical care of one the parties' three children, fourteen-year old Dylan, from Nancy to Kenneth's physical care. The district court, after setting forth the facts in conjunction with the appropriate factors to consider, ruled that Kenneth had not carried his heavy burden of proof. Upon our de novo review of the record, we find no reason to depart from the district court's findings of fact, conclusions of law, or ultimate ruling. Therefore, we affirm. See Iowa R. App. P. 6.4, 6.24. We award Nancy \$1000.00 in appellate attorney fees and assess costs on appeal to Kenneth.

AFFIRMED.