IN THE COURT OF APPEALS OF TENNESSEE
WESTERN SECTION AT NASHVILLE

STANLEY ERROLL MARLAR,	)	From the Davidson County Probate Court
	)	at Nashville, Tennessee
Plaintiff/Appellee,	)	
	)	Honorable James R. Everett, Jr., Judge
vs.	)	
	)	Davidson Probate No. 88D-647
BRENDA ANN BLAKEMAN MARLAR,	)	Appeal No. 01A01-9510-PB-00461
	)	
Defendant/Appellant.	)	**AFFIRMED**
	)	
	)	Donald Arkovitz
	)	Nashville, Tennessee
	)	Attorney for Appellant
	)	
	)	John M. L. Brown
	)	Nashville, Tennessee
	)	Attorney for Appellee

FILED

May 22, 1996

Cecil W. Crowson
Appellate Court Clerk

MEMORANDUM OPINION[1]

HIGHERS, J.

This is a post-divorce proceeding. Appellant, Brenda Marlar, filed a petition in the Probate Court of Davidson County, seeking to extend her rehabilitative alimony. The trial court denied her petition. For the reasons stated below, we affirm.

The parties were divorced in 1990. The trial court's final decree of divorce was appealed to the Court of Appeals for the Middle Section, which ordered the trial court to award $750.00 a month to appellant as rehabilitative alimony for a period of 36 months. (TR 24) The order subsequently entered by the trial court provided that the amount and duration of the alimony could be altered for good cause shown.

Appellant argues that she has made all reasonable efforts to rehabilitate herself and that she should be entitled to an extension of the alimony until 1997, so that she may complete her education.

[1]Rule 10 (Court of Appeals). Memorandum Opinion. -- (b) The Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION," shall not be published, and shall not be cited or relied upon for any reason in a subsequent unrelated case.

Since the original award of rehabilitative support was entered, appellant has attended Watkin's Institute, where she majors in interior design. She has maintained a full-time job and has taken no more than one class per semester at Watkin's, even though other classes were available. Appellant testified that she did not want to take more than one class per semester because she did not want her grade point average to suffer. At the present rate, it will take her more than four years for her to complete her requirements at Watkin's. Even then, she must take more academic courses at an accredited institution in order to obtain her degree. Appellant has no debt, and, at the time of the hearing, had approximately $9,000.00 in her savings account. Her educational expenses have been minimal, averaging less than $100.00 a month during 1994.

Prior to 1993, a rehabilitative alimony award was not modifiable, unless the court provided otherwise in the decree. Isbell v. Isbell, 816 S.W.2d 735 (Tenn. 1991). In 1993, however, T.C.A. § 36-5-101(d)(2) was enacted. This provision allows rehabilitative alimony to be extended or modified upon a showing of a substantial and material change of circumstances. In the present case, which was decided before T.C.A. § 36-5-101 was enacted, the court provided in the order that the award could be modified upon a showing of good cause.

We need not decide whether T.C.A. § 36-5-101 governs the present case because it is our opinion that under the facts of this case, appellant has failed to meet the burden of demonstrating either good cause or a substantial and material change of circumstances sufficient to justify extending the alimony award until 1997. It is evident from the record that appellant simply has not made all reasonable efforts at rehabilitation.

The judgment of the trial court is hereby affirmed. Each party shall pay his or her

own attorney's fees. Costs of this appeal are taxed to appellant.

HIGHERS, J.

CONCUR:

CRAWFORD, P.J., W.S.

LILLARD, J.