

No. 90-449

IN THE SUPREME COURT OF THE STATE OF MONTANA

1991

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IN RE THE MARRIAGE OF  
ROBERT M. BOWMAN,

Petitioner and Appellant,

AND

ROSE-MARIE BOWMAN,

Respondent and Respondent.

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APPEAL FROM: District Court of the Fourth Judicial District,  
In and for the County of Missoula,  
The Honorable Edward McLean, Judge presiding.

COUNSEL OF RECORD:

For Appellant:

Terry A. Wallace, Missoula, Montana

For Respondent:

Darla J. Keck; Datsopoulos, MacDonald & Lind,  
Missoula, Montana

**FILED**


MAY 16 1991

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Submitted on Briefs: April 4, 1991

Decided: May 16, 1991

Filed: *Ed Smith*  
CLERK OF SUPREME COURT  
STATE OF MONTANA



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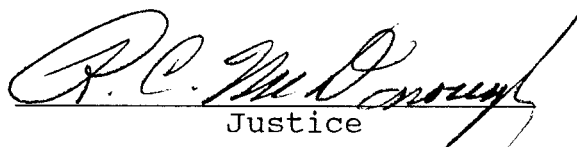
Clerk

Justice R. C. McDonough delivered the Opinion of the Court.

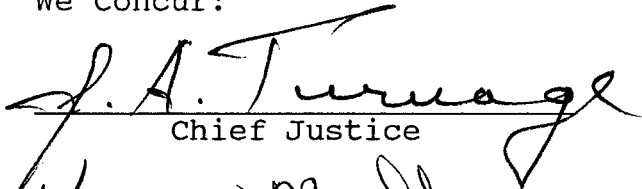
Robert W. Bowman appeals from an order of the Fourth Judicial District, Missoula County. This order enforced the parties' separation agreement and required appellant to pay the sum of \$13,000, plus interest, to the respondent. The court also ordered appellant to pay the sum of \$1,800, plus interest, for child support.

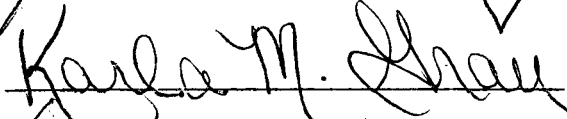
On reviewing the appellant's arguments, it is clear that his contentions concerning abandonment of the separation agreement and the propriety of the award of child support have been conclusively determined by this Court. See *In re Marriage of Bowman* (1987), 226 Mont. 99, 733 P.2d 197. His reargument of these issues is therefore without merit. Furthermore, appellant's contention that his fulfillment of the payment terms of the separation agreement is legally impossible is similarly without merit. Appellant ceased making payments, under that agreement, in July of 1985. At that time he was still employed and fully capable of making the required payments. For the above reasons, there is no support for this appeal. It is dismissed and let remittitur issue forthwith.

Pursuant to Section I, Paragraph 3(c), Montana Supreme Court 1988 Internal Operating Rules, this decision shall not be cited as precedent and shall be published by its filing as a public document with the Clerk of this Court and by a report of its result to West Publishing Company.

  
Justice

We Concur:

  
Chief Justice





  
Justices