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## IN THE COURT OF APPEALS OF THE STATE OF IOWA

IN RE THE MARRIAGE OF PAUL T. RAJASEKHAR &amp; SARAH V. RAJASEKHAR

Upon the Petition of	)	
PAUL T. RAJASEKHAR,	)	
Petitioner-Appellee,	)	Filed November 26, 1980
And Concerning	)	
SARAH V. RAJASEKHAR,	)	0-312
Respondent-Appellant.	)	<u>2-64772</u>

Appeal from Buchanan District Court - William G. Klotzbach, Judge.

Respondent wife appeals from economic provisions of the parties' dissolution decree. - AFFIRMED AS MODIFIED.

Dennis R. Wilson, of Craig, Wilson & Flickinger, Independence, for respondent-appellant.

Steven K. Ristvedt, of Martinson, Ristvedt & Hinman, Independence, for petitioner-appellee.

Submitted to Oxberger, C.J., and Donielson, Snell, Carter, and Johnson, JJ.

**PER CURIAM**

Respondent, Sarah Rajasekhar, appeals from economic provisions of the parties' dissolution decree. We modify and affirm.

The parties were married in 1973 in India, both being citizens and residents of that country. Soon after the marriage Sarah came to the United States where she had previously received training in medical technology. She secured employment and sponsored Paul's entry into the United States three months later. Paul was a practicing medical doctor in India. Within six months Sarah and Paul moved to Cleveland, Ohio where both were employed in the medical field at approximately \$10,000 per year. In July 1975, they moved to Independence, Iowa where Paul was employed in a three-year residency program at the State Mental Health Institute. A daughter was born in June 1975 and Sarah discontinued working to care for her and another child born in 1978. She remains unemployed. Upon his employment in Independence, Paul began sending money to his parents in India beginning at \$100 per month and increasing over the years to a present amount of \$300 per month. After the residency term, Paul took a staff position at the Institute and remains there at the present annual gross salary of \$48,000. Sarah and the children have been living with her brother in New York and at the time of dissolution had not established independent living arrangements.

The trial court awarded custody of the two children to Sarah. Very few assets were acquired during the marriage and each party was basically awarded their own personal property. The court awarded child support and alimony to Sarah and provided for adjustments in the overall amount to encompass several years. Initially the award is for child support payments of \$180 every two weeks and alimony payments of \$190 every two weeks. Sarah appeals the economic provisions. Our review is de novo. Iowa R. App. P. 4. We consider the factors recently enacted into law in our determination. § 598.21, The Code 1979, as amended by 1980 Session, 68th G.A., ch. 1175 § 3.

I. Sarah asserts a lump sum should have been awarded her to represent 1) assets never accumulated because of support payments to Paul's parents and 2) compensation for Sarah's sacrifice and devotion because of these payments and her relinquishing the use of her education to make a home and rear the children. The Supreme Court of Iowa recognized the first factor in In re Marriage of Horstmann, 263 N.W.2d 885 (Iowa 1978).

We find the circumstances in this case do not warrant the same result as in Horstmann. The Horstmann's acquired few assets during their marriage. The monies spent on the husband's education and his lack of income during that time made property acquisition difficult. Sarah asserts the same situation in this case because of payments made to Paul's elderly parents. However, there was never any expectation the payments would result in a benefit to Paul's family which Sarah would share as in the Horstmann situation. Rather, this support was based on the cultural backgrounds of both parties, not a financial investment or sacrifice for their future.

As to the factor of Sarah's sacrifice, we do not find this requires a lump-sum payment. Periodic alimony is generally preferred to lump-sum payments. See 24 Am. Jur. 2d Divorce and Separation § 614-616. When circumstances dictate the need to make a lump sum award the court may so grant. In re Marriage of Schissel, 292 N.W.2d 421 (Iowa 1980). The reasons justifying this award usually involve special circumstances, such as: 1) uncertainty of future events, 2) the need to rehabilitate a spouse, 3) compensation for unusual contribution to marriage or 4) extraordinary need or expense of payee spouse. The ability of the payor spouse to pay is balanced with the circumstance, as is the adequacy of a periodic payment award.

Sarah claims she contributed to Paul's entry to the United States and sacrificed to allow him to further his medical training and establishment in the profession. While her help is noted, it was offered to fulfill the objectives of both parties; namely, residing together in the same country and providing personal parental care to their young children. We further find an award of periodic alimony is adequate to meet these factors. The award of \$190 every two weeks shall continue until such time as Paul has an obligation to pay support for only one child, at which time alimony shall increase to \$200 every two weeks. When no obligation remains for child support, alimony shall increase to \$250 every two weeks. Alimony payments shall cease upon conditions specified in original decree.

II. Sarah asserts the child support award was insufficient and inequitable. We agree. Although the trial court provided for increases and adjustments for future years and dependency variations, the initial amount used as a basis does not afford the children a comparable lifestyle to that previous to dissolution. Paul argues lack of

sufficient evidence to support the lifestyle assertion. However, the record is adequate to determine the financial resources available during the marriage upon which the family lifestyle was established.

Paul receives a net income of \$1050 every two weeks. The trial court awarded \$180 of this amount to go to the support of the children. Even combined with the alimony award this provides Sarah approximately \$795 per month for expenses, whereas Paul will have resources in excess of \$1400 per month. We therefore modify the child support provisions to the following: Paul shall pay as child support \$310 every two weeks commencing the first Monday after the filing of this opinion. At such time as only one child would qualify for the support provided as in the original decree, the bi-weekly amount of support shall be reduced to the sum of \$300 every two weeks.

The trial court's order as modified herein is affirmed. We have not considered the impact of future inflation on support payments.

AFFIRMED AS MODIFIED.