



IN THE COURT OF APPEALS OF IOWA

CLERK SUPREME COURT

IN RE THE MARRIAGE OF ROY W. OVERTON AND AURORA A. OVERTON

UPON THE PETITION OF)

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ROY W. OVERTON,)

Filed October 7, 1977

Appellant,)

AND CONCERNING)

AURORA A. OVERTON,)

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2-59331

Appellee.)

Appeal from Polk District Court - A. B. Crouch, Judge.

Appeal from economic provisions of dissolution decree.

AFFIRMED.

Dan Stamatelos, of West Des Moines, counsel for appellant.

Charles J. Cardamon, of Des Moines, counsel for appellee.

Submitted to Allbee, C.J., Donielson, Snell, and Carter, JJ.; Oxberger, J., takes
no part.

PER CURIAM

This appeal presents the question of whether the trial court's alimony award of \$2500 per month to respondent-Aurora A. Overton was excessive. The parties were married on September 21, 1952, and a petition for dissolution was filed on June 10, 1975. The couple had six children, two of whom were minors at the time the petition was filed. Respondent was also awarded custody of the two minor children, child support of \$500 per month (\$250 per child), a property settlement of \$50,000, a one-half equity interest in the homestead, and other various items.

Our review in this matter is de novo. Rule 4, Rules of Appellate Procedure. Although we give weight to the trial court's findings of fact, we are not bound by them. Rule 14(f)(7), R. App. P. A review of this record convinces us that the trial court correctly applied the principles of *Shantz v. Shantz*, 163 N.W.2d 398, 405 (Iowa 1968) and *In re Marriage of Williams*, 199 N.W.2d 339, 344-346 (Iowa 1972) without regard to fault. In view of the past earning ability (adjusted gross income of \$130,752 in 1974, the year prior to the filing of the petition) and future earning potential of the petitioner, the good health of the petitioner and questionable health of the respondent, and other circumstances surrounding this marriage, we hold that the trial court's alimony award of \$2500 per month was not excessive. Therefore, the judgment of the district court is affirmed.

AFFIRMED.