

IN THE COURT OF APPEALS OF IOWA

No. 6-189 / 95-949

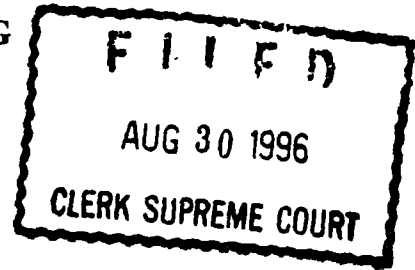
**IN RE THE MARRIAGE OF LOWELL DEAN ALDAG
AND NANCY ALDAG**

Upon the Petition of
LOWELL DEAN ALDAG,

Appellant,

And Concerning
NANCY ALDAG,

Appellee.



Appeal from the Iowa District Court for Crawford County, Robert C. Clem,
Judge.

Lowell Aldag appeals from the parties' dissolution proceeding, contending the
district court erred in ordering him to pay \$1500 in temporary attorney fees.

AFFIRMED.

Lowell Dean Aldag, Deloit, pro se, appellant.

Reed H. Reitz of Reimer, Lohman & Reitz, Denison, for appellee.

Considered by Cady, P.J., and Streit and Vogel, JJ.

PER CURIAM

This is an appeal by a husband claiming the district court abused its discretion by ordering him to pay \$1,500 in temporary attorney fees for his wife. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

Lowell and Nancy Aldag were married on April 1, 1994. Lowell receives a federal pension, Social Security benefits, and rental income from real estate. He has annual income of about \$33,000. Nancy receives Social Security benefits, which gives her annual income of \$4,596.

Lowell filed a petition for dissolution of marriage. On April 5, 1995, the district court entered an order requiring Lowell to pay \$1,500 for Nancy's temporary attorney fees. Lowell paid this judgment on April 21, 1995. The court entered a dissolution decree for the parties, based on their stipulation, on April 26, 1995. The decree provided neither party would pay the attorney fees of the other, except as was previously ordered by the court.

Lowell has filed a pro se appeal, claiming the district court abused its discretion by ordering him to pay temporary attorney fees. He states he did not voluntarily pay the fees, and only did so based on the court's order. He believes Nancy's attorney is not entitled to attorney fees because he knew when he accepted the case that Nancy did not have any money of her own.

Temporary orders entered pursuant to Iowa Code section 598.11 are final judgments and are appealable as a matter of right. *In re Marriage of Springer*, 538

N.W.2d 897, 900 (Iowa App. 1995). The failure to take a timely appeal from temporary orders results in a waiver of the right to review. *In re Marriage of Campbell*, 451 N.W.2d 192, 195 (Iowa App. 1989). Because Lowell did not timely appeal the temporary order of April 5, 1995, its provisions may not now be reviewed. Therefore, we will not address the issue of whether the district court abused its discretion in ordering the temporary attorney fees.

Nancy seeks attorney fees for this appeal. An award of attorney fees is not a matter of right, but rests within the court's discretion and the parties' financial positions. *In re Marriage of Hunt*, 476 N.W.2d 99, 103 (Iowa App. 1991). We order Lowell to pay \$500 for Nancy's attorney fees for this appeal.

We affirm the decision of the district court. Costs of this appeal are assessed to Lowell.

AFFIRMED.