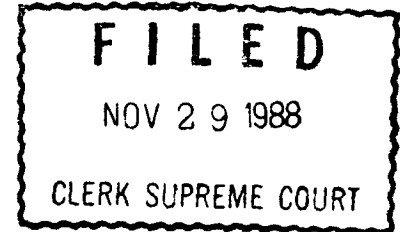


IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF LINDA ELAINE McCALL
AND JERRY LEE McCALL

Upon the Petition of)
LINDA ELAINE McCALL,)
Petitioner-Appellee,)
And Concerning)
JERRY LEE McCALL,)
Respondent-Appellant.)



8-489
87-1737

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Appeal from the Iowa District Court for Wapello County
(CD 3897-0187), Richard J. Vogel, Judge.

Respondent husband appeals the decree dissolving the
parties' marriage. **AFFIRMED.**

Allan C. Orsborn of Keith & Orsborn, Ottumwa, for
respondent-appellant.

Thomas M. Walter of Johnson, Bauerle, Hester & Walter,
Ottumwa, for petitioner-appellee.

Considered by Oxberger, C.J., and Schlegel and Hayden,
JJ.

PER CURIAM

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Respondent husband, Jerry Lee McCall, appeals the decree dissolving the parties' marriage. He claims that the alimony award to his wife, Linda Elaine McCall, is excessive in both amount and duration.

Appellate review of a dissolution action is de novo. Iowa R. App. P. 4. We give weight to the findings of fact by the trial court, but we are not bound by them. Iowa R. App. P. 14(f)(7). We have carefully reviewed the record in this case in light of the factors to be considered in Iowa Code section 598.21(3). We have considered both alimony and the allocation of property in determining whether the award of alimony in this case is equitable. See Marriage of Griffin, 356 N.W.2d 606, 608 (Iowa App. 1984). Under our review, we are convinced that the trial court did substantial justice in the award of alimony in regard to its duration and amount. We affirm the trial court.

Costs of this action are assessed against the appellant. The parties shall pay their own attorney fees on appeal.

AFFIRMED.

Oxberger, C.J., and Schlegel, J., concur; Hayden, J., dissents.

HAYDEN, J. (concurring in part and dissenting in part) ²⁵⁷

The trial court awarded Linda alimony in the sum of \$100 per week for a period of 312 weeks. I would provide the alimony shall terminate earlier upon the death of either party, Linda's remarriage, or if she cohabits with another person.

Except for this, I agree with the majority's decision.