

FILED

MAY 28 1985

CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF REBECCA PETRUSKA AND JOHN GRAY

Upon the Petition of)

318

REBECCA PETRUSKA,)

Petitioner-Appellant,)

Filed May 28, 1985

And Concerning)

JOHN GRAY,)

5-157
84-978

Respondent-Appellee.)

Appeal from the Iowa District Court for Marshall County - Carl D. Baker,
Judge.

Petitioner wife appeals from the decree dissolving the parties' marriage.
AFFIRMED AS MODIFIED.

Barry S. Kaplan of Fairall, Fairall & Kaplan, Marshalltown, for petitioner-
appellant.

Kent L. Geffe of Welp Law Office, Marshalltown, for respondent-appellee.

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

DONIELSON, J.

Petitioner wife appeals from the decree dissolving the parties' marriage. She asserts (1) that the trial court should have provided for her to receive alimony for three years rather than for just one year, and (2) that the trial court should have awarded her the parties' stereo. We affirm as modified.

Petitioner Rebecca Petruska and respondent John Gray were married in 1979. Rebecca is twenty-eight years old and has a high-school education. She worked as a secretary before the parties were married, but was unemployed during most of the marriage and at the time of the trial. She testified that she believed her lack of computer and word processor skills limited her job opportunities and that training to acquire these skills would take about two years. John is fifty-two years old; he is a sales and marketing manager, and he earns about \$54,000 per year. No children were born of the parties' marriage.

The trial court awarded Rebecca alimony of \$200 per month for a year. The parties' property was divided equally; as part of the division John was awarded a \$1,220 stereo. Rebecca has appealed.

Our review of this equitable proceeding is de novo. Iowa R. App. P. 4. While the findings of the trial court are not binding upon us, we view them with considerable weight. Iowa R. App. P. 14(f)(7).

In considering the fairness of the alimony provision, we consider the factors listed in Iowa Code section 598.21(3). In doing so, it is apparent that the time length for alimony payments should be increased. Rebecca has been out of the job market for several years and will need additional training in order to acquire marketable skills. She testified that training would take an additional two years. We believe the award should be modified so that Rebecca receives alimony during this entire time period. There is no basis in the record for the trial court's assertion that the training would take a shorter period of time. Furthermore, it is apparent that John is entirely capable of making the additional alimony payments.

While Rebecca argues that she should receive alimony for three years, we believe payments for two years sufficiently accommodates her needs as reflected in the record. At that point, according to Rebecca's own testimony, she will have sufficient skills to obtain employment and become self-supporting. We therefore modify the decree and award Rebecca \$200 per month for twenty-four months commencing thirty days from the date of the original decree.

Rebecca also argues that she should have been awarded the parties' stereo. Viewing the facts before this court in light of section 598.21(1), we conclude that the trial court's distribution of property was equitable and that it should not be disturbed. Rebecca claims that the stereo was a gift from John to her. However, as John indicates, there is conflicting testimony in this respect. In a situation such as this, we are inclined to defer to the trial court's determination. Accordingly, we affirm the division of property provided for in the decree.

AFFIRMED AS MODIFIED.