

IN THE COURT OF APPEALS OF IOWA

No. 0-473 / 90-193

IN RE THE MARRIAGE OF JOAN M. STUDTS AND
JAMES R. STUDTS

FILED

FEB 26 1991

CLERK SUPREME COURT

Upon the Petition of

JOAN M. STUDTS,

Petitioner-Appellant,

And Concerning

JAMES R. STUDTS,

Respondent-Appellee.

359

Appeal from the Iowa District Court for Marshall
County, Carl E. Peterson, Judge.

Joan appeals the economic provisions of the district
court's decree dissolving the parties' marriage. **AFFIRMED.**

Barry S. Kaplan of Fairall, Fairall, Kaplan, Hoglan,
Cordon & Klaessy, Marshalltown, for appellant.

Patrick W. Brooks of Brooks, Ward & Trout,
Marshalltown, for appellee.

Considered by Donielson, P.J., and Hayden and Sackett,
JJ.

SACKETT, J.

The sole issue in this appeal is whether it was equitable for the trial court not to award alimony to a wife following the dissolution of a long-term marriage. We find on our de novo review of this record, the trial court's result was equitable. See Iowa R. App. P. 4. We affirm the trial court.

Petitioner-appellant Joan Studts and respondent-appellee James Studts were married in 1966. They have three children: Jamie, twenty-one years old, a junior at Loras College; Joey, eighteen years old, a high school senior planning to go to college; and Janna, fifteen years old, a high school sophomore. The district court granted the parties joint custody of the minor children. Physical care was awarded to Joan. The court ordered James to pay child support of \$730 per month for the two minor children and then \$500 per month for the one minor child.

Joan is a forty-five-year-old high school graduate. Since 1973 she has worked part-time at Area Education Agency VI. Currently she earns a monthly income before deductions of \$678. She also works part-time earning \$74 per month.

James is a forty-four-year-old high school graduate. He has been employed at Fisher Controls for twenty-five years. His yearly pay before deductions is \$33,317, including overtime.

Both parties are substantially in good health except that Joan complains of residual discomfort following back surgery.

The trial court made an nearly equal division of about \$150,000 in assets and carefully crafted, by way of a qualified domestic relations order, a division of James' pension benefits to provide for Joan on her retirement. James was ordered to pay \$700 toward Joan's attorney fees. The trial court rejected an alimony award for Joan. In doing so, it considered Joan's stable eleven year employment with the Area Education Agency VI, her substantial property division and the right created for her to share in James' pension.

Joan contends she is entitled to alimony because of the length of the marriage, her medical problems, her lack of job skills, and her inability to meet her monthly expenses.

We consider a property division and alimony together in assessing the equities and evaluating their individual sufficiency. In re Marriage of Griffin, 356 N.W.2d 606, 608 (Iowa App. 1986). We note some \$20,000 came to the family by way of gifting from James' parents. While the gift was made to both spouses, it obviously came to Joan by virtue of her marriage to James. See In re Marriage of Byall, 353 N.W.2d 103, 105-06 (Iowa App. 1984). The money was not set aside to James. We find no inequity in the refusal to award alimony to Joan.

We deny Joan's request for attorney fees on appeal. Costs on appeal are taxed one-half to each party.

The briefs filed in this matter were focused on the issue of disagreement and concisely and accurately summarized the relevant facts. This court is appreciative of the efforts these attorneys made in this regard.

AFFIRMED.