

FILED

JUN 30 1978

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IN THE COURT OF APPEALS OF IOWA SUPREME COURT

IN RE THE MARRIAGE OF JOYCE ALLEN and HOYT H. ALLEN

Upon the Petition of)

JOYCE ALLEN,)

Filed June 30, 1978

Appellant,)

And Concerning)

HOYT H. ALLEN,)

Appellee.)

553
2-61004

Appeal from Story District Court - M. D. Seiser, Judge.

Petitioner appeals from economic provisions of marriage dissolution decree.

Affirmed.

Donald R. Payer and Victor G. Lathrop, of Payer & Steensland, of Ames, for appellant.

Arthur Johnson and James L. Kramer, of Johnson, Burnquist, Erb, Latham & Gibb, P.C., of Fort Dodge, for appellee.

Submitted to Allbee, C.J., Donielson, Snell, Oxberger and Carter, JJ.

PER CURIAM

Petitioner, Joyce Allen, appeals from the property division and alimony provisions of the July 29, 1977 decree dissolving her nine year marriage to respondent, Hoyt Allen. Our review is de novo. Rule 4, Rules of Appellate Procedure. In matters of marital asset division we are guided by the criteria listed in *Schantz v. Schantz*, 163 N.W.2d 398 (Iowa 1968). We do not consider fault. In *re Marriage of Williams*, 199 N.W.2d 339 (Iowa 1972). We give weight to the findings of the trial court, but are not bound by them.

The parties were married in 1968. At that time Hoyt was 47 years of age and Joyce was 29. It was Hoyt's first marriage and Joyce's second. The two children of Joyce's first marriage, Lori and Darci, were adopted by Hoyt. Lori is now 19 years old and Darci will be 18 on July 5, 1978. One child was born of the marriage, Cori, on March 3, 1970. Hoyt has practiced medicine in Ft. Dodge since 1950. At the time of the marriage his net worth was more than \$250,000. His adjusted gross income in 1976 was approximately \$70,000. Joyce brought few possessions into the marriage and prior to that time had been employed as the manager of a clothing store and as a bank teller. At Hoyt's insistence, she was not employed during the marriage.

The decree of the trial court awarded custody of Darci to Hoyt, and custody of Cori to Joyce. Hoyt was ordered to pay \$400 per month child support. He has voluntarily assumed responsibility for the children's anticipated college expenses. Hoyt was also ordered to carry health insurance for Cori, to assume a \$3000 debt Joyce incurred for household furnishings, and to pay \$5000 towards Joyce's attorney fees. The above provisions are not appealed.

Joyce does appeal from that provision which ordered Hoyt pay alimony of \$1000 per month until November of 1987, unless either party dies or Joyce remarries at an earlier date. She seeks elimination of the 1987 limitation. We affirm this provision. The alimony award as provided may continue for 10 years, a period longer than the term of the marriage itself.

Joyce also challenges as inequitable the property division ordered by the court. Under the decree she was awarded a lump sum of \$25,000, which the trial court found to be 50% of the increase in Hoyt's net worth during the marriage. After our de novo review of the record we conclude Joyce has failed to demonstrate that the \$25,000 lump sum property division awarded her is inadequate.

We have considered all issues presented and find no basis for disturbing the trial court's decree.

Costs on appeal are assessed to Joyce. Hoyt shall pay \$2000 towards the attorney fees incurred by Joyce on appeal; such provision in no way fixes the amount to be charged by the attorneys.

AFFIRMED.