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AUG 26 1980

CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF DENISE M. SYMES & MICHAEL J. SYMES

Upon the Petition of)

DENISE M. SYMES,)

Filed August 26, 1980

Petitioner-Appellee,)

And Concerning)

0-242

MICHAEL J. SYMES,)

2-64258

Respondent-Appellant.)

Appeal from Cerro Gordo District Court - M. L. Mason, Judge.

Respondent husband appeals from economic provisions of dissolution decree, asserting circumstances do not justify an award of alimony to wife. - AFFIRMED AS MODIFIED.

Michael J. Cross, of Coonley & Coonley, Hampton, for respondent-appellant.

Keith A. Krelman, of Legal Services Corporation of Iowa, Mason City, for petitioner-appellee.

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

PER CURIAM

Respondent, Michael Symes, appeals from economic provisions of the parties' dissolution decree, asserting that the circumstances do not justify an award of alimony to the wife. We affirm as modified.

Michael and Denise were married on September 23, 1978, and Denise filed a petition for dissolution one month and one week later. The decree was entered on October 2, 1979 wherein Denise was awarded custody of a child born during the pendency of the action together with child support of \$75 per month. She was also awarded alimony of \$225 per month during the lifetime of the parties or until she remarries. Michael appealed the economic provisions of the decree. Our review of his claims is de novo. Iowa R. App. P. 4. We apply the criteria of Schantz v. Schantz, 163 N.W.2d 398, 405 (Iowa 1968), except fault. In re Marriage of Williams, 199 N.W.2d 339, 345 (Iowa 1972).

Michael argues the award of alimony was inequitable under the circumstances. In reviewing whether an award of alimony should be allowed, we look to the particular facts of the case and make an ad hoc determination. Behrle v. Behrle, 228 N.W.2d 25 (Iowa 1977).

Under the facts of this case, we do not find alimony was warranted. With respect to the Schantz criteria 1) the marriage was of extremely short duration, 2) the ages, health, training and education of the parties are relatively equal, 3) no substantial assets or debts were brought into marriage or accumulated during it, 4) earning capacity of Michael has been demonstrated to be more than Denise in the past but at time of decree the difference was minimal, 5) one child resulted from the marriage with no conditions requiring special care.

The awards of \$225 per month in alimony and \$75 in child support represent 150% of Michael's total income. Petitioner concedes Michael would be unable to pay the decretal award. Marriage dissolution creates stresses, financial and emotional, which cannot be totally relieved by the courts but some balance must be attempted. Although Denise desires to remain in the home as a full-time parent, it may be impossible for her to do this. The child, of course, is the only reason why support of any kind should be awarded. In this regard, we find the child support award based on Michael's ability to pay and Denise's need should be increased to \$100 per month for the term set in decree. The award of alimony is inequitable and must be deleted from the decree.

The trial court decree is affirmed, as modified, and remanded for entry of provisions consistent with this opinion. Costs of appeal are taxed equally to the parties.

MODIFIED IN PART AND AFFIRMED.