FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

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**IN RE THE MARRIAGE OF HAROLD L. HYDE AND PHYLLIS MAY HYDE**

Upon the Petition of )
**HAROLD L. HYDE,** )
Petitioner-Appellant, ) Filed September 6, 1984
And Concerning )
**PHYLLIS MAY HYDE,** ) 4-271 / 84-56
Respondent-Appellee. )

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Appeal from the Iowa District Court for Bremer County - Gilbert K. Bovard, Judge.

Petitioner husband appeals from the decree dissolving the parties' marriage. AFFIRMED IN PART AND MODIFIED IN PART.

Terry Diane Parsons of Olsen & Parsons, Cedar Falls, for petitioner-appellant.

Gary J. Boveia of Boveia Law Offices, Waverly, for respondent-appellee.

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

**DONIELSON, J.**

Petitioner husband appeals from various provisions of the decree dissolving the parties' marriage. On appeal he asserts that (1) the trial court should have provided a specific schedule of visitation, rather than merely granting him "reasonable" visitation; (2) he should have been awarded various minor appliances in his possession, and the family photographs should have been divided in a different manner; (3) respondent wife should not have been allowed permanent alimony in view of her potential earning ability; and (4) he should not have been required to permanently maintain a life insurance policy payable to respondent wife. We affirm in part and modify in part.

Harold L. and Phyllis May Hyde were married February 11, 1968. They have one minor child, Jimmy Lee Hyde, born in 1971. Both petitioner and respondent are in good physical and mental health and are high school graduates. Harold, who works for John Deere, has been earning approximately $30,000 per year. Phyllis has not worked outside of the home since 1974. The parties own no real estate and have modest assets.

Custody of the parties' minor child was awarded to Phyllis "subject to rights of visitation by petitioner at reasonable times and places." The trial court further ordered Harold to pay $75 per week child support, and alimony of $200 a month until Phyllis dies or remarries. The court also required Harold to maintain certain life insurance policies with Phyllis designated as beneficiary.

The petitioner first argues that the trial court's order granting reasonable visitation rights is inadequate and a specific visitation schedule is necessary to ensure adequate contact between Harold and his child. No hard and fast rule governs visitation rights of the noncustodial parent. Lamansky v. Lamansky, 207 N.W.2d 768, 771 (Iowa 1973). As in all cases of this type, precedent is of little value and our decision will ultimately depend on the particular facts of the case. Id. In some circumstances the supreme court has approved decrees which left the

details of visitation to the discretion of the divorced parents. See Tschappat v. Kluver, 193 N.W.2d 79, 82 (Iowa 1971). In Tschappat, the court deemed it unnecessary to fix or prescribe visitation privileges because the parties had manifested mature judgment with respect to the privileges. Id. It is only when such judgment is absent that the trial court must determine visitation rights by a definite order. Lamansky, 207 N.W.2d at 771. Moreover, we recognize that the trial court is in the best position to determine the terms of visitation. Id. at 772. While we are not bound by their findings, we view them with considerable weight.

We find nothing in the record to indicate any lack of mature judgment with respect to visitation rights. Neither party has shown an unwillingness or inability to abide by the terms of visitation in their present form. Absent this, we are hesitant to require specific visitation terms. Petitioner argues that this court cannot ignore the time and expense associated with modifying the decree if visitation problems develop. This court, however, will not presume problems will develop absent some indication in the record. For these reasons, we affirm the trial court's decision in this regard.

The petitioner's remaining arguments involve the economic provisions of the divorce decree. In considering fairness of such provisions we view them as an integrated whole. In re Marriage of Castle, 312 N.W.2d 147, 149 (Iowa Ct. App. 1981). Our de novo review of these provisions is guided by the relevant criteria found in Iowa Code sections 598.21(1) (property division) and 598.21(3) (alimony).

The trial court's property settlement is entirely consistent with the criteria in section 598.21(1). Petitioner argues that he should be allowed to keep certain items of personal property in his possession at the time of trial. The division of property, however, is equitable in light of the fact that Phyllis will need to furnish a household for herself and her son. We see no reason to disturb the trial court's determination. With respect to the award of the photo albums, this court is confident that the parties can reach some agreement as to their division or

reproduction without unnecessary interference with the decree. We are not willing to alter the decree on this relatively minor point based on petitioner's mere speculation that difficulties could arise.

We agree with Harold, however, that the alimony awarded is excessive. Phyllis and Harold were married for approximately fifteen years. Both parties are healthy persons in their mid-thirties with a high school education. Phyllis has been out of the job market for a number of years, yet given time she should be able to support herself in a lifestyle comparable to that enjoyed during her marriage. While some support payments are certainly justified, an award of permanent alimony under these circumstances is inequitable. We therefore modify the decree such that Phyllis is awarded alimony of $250 per month for 121 months from the date of the trial court's decree unless she dies, remarries, or cohabits with another party before the expiration of that time period at which time the alimony will then cease. For similar reasons, we also modify the decree to require Harold to maintain his life insurance policies payable to Phyllis for 121 months from the date of the decree unless she dies or remarries. The amount payable to Phyllis should be sufficient to ensure that she receives $250 per month for the remainder of the 121-month period in the event that petitioner dies.

AFFIRMED IN PART AND MODIFIED IN PART.