IN THE COURT OF APPEALS OF IOWA

No. 4-576 / 94-0051

FILED
FEB 28 1995
CLERK SUPREME COURT

IN RE THE MARRIAGE OF WADE C. WOJEWODA AND KARLA WOJEWODA

Upon the Petition of
WADE C. WOJEWODA,

Petitioner-Appellee,

And Concerning
KARLA WOJEWODA,

Respondent-Appellant.

Appeal from the Iowa District Court for Polk County, Richard D. Morr, Judge.

Karla Wojewoda appeals from the economic provisions of the parties' dissolution decree. **AFFIRMED.**

Candy Morgan of Black, Goldman & Powell, P.C., Des Moines, for appellant.

Leslie Babich of Babich, McConnell & Renzo, P.C., Des Moines, for appellee.

Heard by Donielson, C.J., and Habhab and Cady, JJ.

CADY, J.

The four-year marriage between Karla and Wade Wojewoda was dissolved in December 1993. They had no children. Wade and Karla were in their mid-to-late twenties. They enjoyed good health. Both had college decrees. Wade worked as a police officer and earned $30,000 per year. Karla was a school teacher. She also worked at a restaurant. Her annual income totalled $35,000.

The district court divided the parties' property and debts, and directed Wade to pay $3,000 in property settlement to Karla. It did not award alimony.

Karla appeals. She contends the district court failed to consider certain statutory criteria, as well as the "better evidence", in dividing the parties' assets and liabilities. Karla also claims she should have been awarded reimbursement alimony for making educational and employment sacrifices for Wade's schooling and career advancements. Finally, Karla asserts she should receive an extra $7000 as a property settlement. Wade requests appellate attorney fees.

Our review is de novo. Iowa R. App. P. 4. We give weight to the findings of the trial court, but are not bound by them. Iowa R. App. P. 14(7).

We first consider Karla's claim that the trial court failed to apply all the statutory criteria and fully consider all the evidence in dividing the property. On our review of the evidence, we find that the division of

property by the trial court was equitable. Karla did work while Wade completed college, but Wade was only twenty credit hours short of graduation at the time of the marriage. He was also employed while he completed college after the marriage. The parties had few assets and both had school loans. Karla received more net assets than Wade. The property division was equitable under all the circumstances and the relevant criteria. See Iowa Code section 598.21(1) (1993).

We next consider Karla's request for alimony. Alimony is not a right, but depends upon the particular circumstances. In re Marriage of Weinberger, 507 N.W.2d 733, 735 (Iowa App. 1993). Many factors are considered in determining the appropriateness of an award of alimony. These are now embodied in Iowa Code section 598.21 (3) (1993). It is important to consider the earning capacity of the parties and their present standards of living balanced against their needs. In re Marriage of O'Brien, 491 N.W.2d 202, 206 (Iowa App. 1992).

Having considered all the relevant factors, few, if any, weigh in favor of alimony. The marriage was relatively short. The parties are young and in good health. The property distribution favored Karla. Karla graduated from college prior to the marriage and Wade was nearing graduation at the time of the marriage. They were steadily employed in their professions at the time of divorce and have comparable earning capacity. They are

self-supporting. An award of alimony under the circumstances is unwarranted.

We have reviewed all claims presented on appeal, and affirm the trial court. We deny Wade's request for appellate attorney fees.

AFFIRMED.