

**FILED**

**NOV 19 1979**

**237**

**IN THE COURT OF APPEALS OF IOWA**  
**CLERK SUPREME COURT**

**IN RE THE MARRIAGE OF RAYMOND E. ROBINSON AND MURIEL MAY ROBINSON**

**UPON THE PETITION OF** )

**RAYMOND E. ROBINSON,** )

Petitioner-Appellant, )

Filed November 19, 1979

**AND CONCERNING** )

**MURIEL MAY ROBINSON,** )

Respondent-Appellee. )

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2-62769

Appeal from Polk District Court - Robert O. Frederick, Judge.

Petitioner-husband appeals from the property division and alimony provisions of a decree dissolving his marriage to respondent-wife. **AFFIRMED AS MODIFIED.**

Larry J. Handley of Hermann & Handley, Ankeny, for petitioner-appellant.

Ronald A. Baybayan of Des Moines, for respondent-appellee.

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

Petitioner-husband, Raymond Robinson, appeals from the property division and alimony provisions of a decree dissolving his marriage to respondent-wife, Muriel Robinson. We affirm with modification.

Raymond and Muriel were married in 1954. The couple had two children: Kimberly, age 19, and Kyle, age 15. The trial court entered a decree of dissolution and awarded custody of both children to Muriel. Raymond was ordered to pay child support of \$50 per child per week and alimony of \$300 per month. The decree of dissolution awarded Raymond a savings account worth \$6,000, Iowa Power and Light stock worth \$11,000, a certificate of deposit worth \$5,000, an annuity in Iowa Power and Light worth \$4,300, a pickup truck valued at \$2,500 and various other property valued at approximately \$5,000. Muriel was awarded the couple's residence in Des Moines valued at \$42,000, an automobile valued at \$2,500, household goods valued at \$2,500 and a bank account used in her sales of Mary Kay cosmetics worth \$1,300.

On appeal Raymond contends the trial court's division of the marital assets was inequitable and award of \$300 per month alimony to Muriel was excessive. Our review is *de novo*. Iowa R. App. P. 4. In order to achieve a fair and equitable determination of the property rights of the parties, we apply the guidelines of Schantz v. Schantz, 163 N.W.2d 398, 405 (Iowa 1972), as modified in In re Marriage of Williams, 199 N.W.2d 339, 345 (Iowa 1972). Although allocations of support money, alimony and property have a different purpose, they are closely related in the matter of determining the amount to be awarded. In re Marriage of Peterson, 227 N.W.2d 139, 142 (Iowa 1975). Raymond does not contest the award of child support so the question becomes whether the property award and alimony, when taken together, constitute an equitable award. In re Marriage of Cooper, 225 N.W.2d 915, 919 (Iowa 1975). While we give weight to the findings of the trial court, we will not abdicate our function as a trier *de novo* on appeal. In re Marriage of Novak, 220 N.W.2d 592, 597 (Iowa 1974).

The couple's marriage lasted 24 years. It appears both parties entered into the marriage on substantially equal terms. Raymond has worked for Iowa Power and Light Company throughout the 24 years and currently earns in excess of \$20,000 a year. Muriel worked for the five years immediately following the couple's marriage before becoming a full-time homemaker and mother. She currently earns slightly in excess of \$1,000 per year selling Mary Kay Cosmetics out of her home. Both parties appear to be

in good physical and mental health. The record establishes that both parties made valuable contributions to the marriage in different, but equally important, ways.

After carefully reviewing the record, we believe the property settlement which substantially favors Muriel must be modified. We, therefore, award Raymond an additional sum of \$7,250 to be impressed as a lien on the residence property awarded to Muriel. Said sum is not payable until the last of the parties' two children no longer qualifies for support under the provisions of the trial court's decree. It shall draw interest at the rate of 9% per annum. The 1972 Starcraft camper trailer is awarded to Raymond and the roto-tiller is awarded to Muriel.

The trial court also awarded Muriel \$300 per month alimony, an amount which Raymond contends is excessive. After reviewing the record, we conclude this is an appropriate case for an award of alimony. Muriel has not been employed full-time outside of the home in almost 20 years. She terminated her working career in order to devote full time to the duties of a homemaker and mother. As a result, she is presently ill-equipped to enter the job market and support herself at anywhere near her present standard of living. Raymond has, however, benefited from her efforts as a homemaker. He was able to work continuously for almost 25 years with his present employer; he was the traditional "breadwinner" upon whom his family relied for income. The evidence indicates that he earned around \$1350 per month after taxes at the time of trial. His actual takehome pay was somewhat less than this figure due to deductions for an annuity, savings bonds, and an employee's stock purchase plan. The trial court required Raymond to make monthly child support payments of approximately \$430 and monthly alimony payments of \$300. Although we find this to be an appropriate case for an award of alimony, we conclude that if Muriel continues to be eligible for alimony under the terms of trial court's decree at the expiration of 36 months from the date thereof, the monthly alimony payments shall be reduced to \$200. The alimony award shall be effective from September 15, 1978 and shall continue until Muriel remarries, or either of the parties dies. All provisions of the trial court's decree not herein modified are affirmed.

Costs on appeal are assessed equally to the parties.

**AFFIRMED AS MODIFIED.**