FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF NEDRA LUCILLE RUPE AND JERRY LEE RUPE

Upon the Petition of)
NEDRA LUCILLE RUPE,)
Petitioner-Appellant,)
And Concerning)
JERRY LEE RUPE,)
Respondent-Appellee.)

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Filed June 29, 1988

8-329
88-46

Appeal from the Iowa District Court for Des Moines County (No. CD 1848-0986), William S. Cahill, Judge.

Petitioner wife appeals from a dissolution decree, challenging her alimony award as inadequate. **AFFIRMED AS MODIFIED.**

Kent Hutcheson, Fort Madison, for petitioner-appellant.

Jerry Lee Rupe, respondent-appellee, pro se.

Considered by Donielson, P.J., and Hayden and Habhab, JJ.

PER CURIAM

The petitioner wife appeals from a dissolution decree, challenging her alimony award as inadequate. We affirm as modified.

The parties were married in 1962, resulting in a twenty-six-year marriage. Their two children are now adults. Jerry was forty-eight years old at trial time and is in generally good health. He is employed as a truck driver, earning a gross wage of $480 per week and a net wage of $337 per week. Nedra was forty-three years old at trial time. She suffers from high blood pressure, hypothyroidism, and displasia in her breast. She underwent a complete hysterectomy in 1985 due to a cancer. She estimates continuing health care costs of $1,500 per year for the rest of her life. In spite of her health problems, Nedra presently works full time. She earns a gross salary of $304 per week and a net salary of $224 per week.

The parties had accumulated little property. The dissolution decree awarded Nedra a car, a mobile home subject to a substantial debt, and a $6,000 cash property settlement. Jerry was awarded a car. Each party was awarded his or her retirement plan and insurance policy.

The dissolution decree directed Jerry to pay Nedra alimony of $50 per week for a period of two years. Nedra has appealed from the dissolution decree, challenging the alimony award as inadequate.

Our scope of review is de novo. Iowa R. App. P. 4. The payment of alimony must be determined in light of all the circumstances. In re Marriage of Bevers, 326 N.W.2d 896, 900 (Iowa 1982). When determining the appropriateness of alimony, the trial court must consider the earning capacity of each party, present standards of living, and ability to pay balanced against the relative needs of the other. In re Marriage of Estlund, 344 N.W.2d 276, 281 (Iowa App. 1983).

Iowa Code section 598.21(3) informs us that alimony is awarded out of fairness, according to the particular facts of each case.

Taking into consideration the length of the marriage, Nedra's health problems and associated expenses, and the earning capacities of the parties, we conclude Nedra should be awarded alimony in the amount of $50 per week for a period of two years, after which time alimony shall continue at the rate of $25 per week until Nedra's death, remarriage, cohabitation with another man, or until such time as she is eligible for social security benefits either through Jerry or in her own right.

Nedra requests $600 in attorney fees on appeal. We order Jerry to contribute $300 toward this amount.

AFFIRMED AS MODIFIED.

Donielson, P.J., and Habhab, J., concur; Hayden, J., dissents.

HAYDEN, J. (dissenting)

I respectfully dissent.

I would affirm the trial court across the board.

The amount of $50 per week alimony for two years to Nedra is adequate and justified under the facts of this case. Each party should be directed to pay his or her own attorney fees on appeal.