

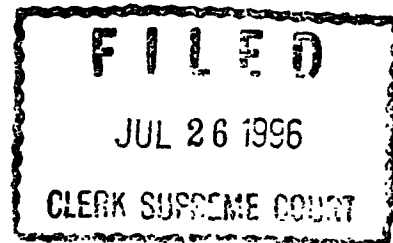
IN THE COURT OF APPEALS OF IOWA

No. 6-389 / 95-1226

**IN RE THE MARRIAGE OF CAROLYN WELCH
AND LARRY WELCH**

Upon the Petition of,
CAROLYN WELCH,
Petitioner-Appellant,

And Concerning
LARRY WELCH,
Respondent-Appellee.



Appeal from the Iowa District Court for Mahaska County, Richard J. Vogel,
Judge.

Carolyn Welch appeals the alimony provisions of the parties' dissolution
decree. **AFFIRMED.**

Philip N. Reser of Mick & Mertz, Knoxville, for appellant.

Garold F. Heslinga of Heslinga, Heslinga & Dixon, Oskaloosa, for appellee.

Considered by Huitink, P.J., Streit, and Vogel, JJ.

PER CURIAM

This is an appeal by a wife claiming the award of alimony in the parties' dissolution decree should be increased. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

Carolyn and Larry Welch were married in 1962. Carolyn was a self-employed beautician until 1993. She presently sells crafts at shows, but claimed she did not make any money from this endeavor. Larry is employed at John Deere, where he earns \$41,640, and has net monthly income of \$2,582. There was evidence Larry may retire in two years.

The district court entered a dissolution decree for the parties on June 26, 1995. The court incorporated the parties' stipulation on the issue of property division. The parties agreed to equally divide their personal property and the proceeds from the sale of the marital home. Each party expected to receive total net assets of about \$73,000.

The parties were unable to agree on the issue of alimony, and this issue was presented to the court. The court determined Carolyn was entitled to alimony of \$700 per month for three years or until Larry retires, whichever occurs first. Carolyn is to receive this alimony even if she remarries or cohabits. At the end of three years, alimony is reduced to \$200 per month. The payments of \$200 per month terminate on the death of either party, or upon Carolyn's remarriage or cohabitation.

Carolyn has appealed the alimony provisions of the parties' dissolution decree. She states that because of health problems she is unable to work. Carolyn testified

she had diabetes, tendinitis, hypertension, ulcers, and allergies, as well as heart, back, neck, and emotional problems. She also testified she closed her beauty shop because it was not profitable, and claims she has no job skills which would allow her to support herself. She asks for alimony of \$1,500 per month.

Alimony is not an absolute right; an award depends upon the circumstances of each particular case. *In re Marriage of Whelchel*, 476 N.W.2d 104, 110 (Iowa App. 1991). The discretionary award of alimony is made after considering those factors listed in Iowa Code section 598.21(3). *Id.* at 110-111.

In the present case, the district court found Carolyn had exaggerated her medical problems, or at least failed to mitigate them. While we are not bound by the trial court's determination of factual findings, we will give them considerable weight, especially when considering the credibility of witnesses. Iowa R. App. P. 14(f)(7). We agree with the district court's conclusion that Carolyn is able to earn some income. We also note Carolyn has a male friend who helps her with expenses. We determine the amount of alimony awarded is appropriate under the facts of this case.

We affirm the district court's award of alimony in the parties' dissolution decree. Costs of this appeal are assessed to Carolyn.

AFFIRMED.