

FILED

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IN THE COURT OF APPEALS OF IOWA

CLERK SUPREME COURT

IN RE MARRIAGE OF HENRY RAKOFF AND MARY M. RAKOFF

Upon the Petition of	)	
HENRY RAKOFF,	)	Filed May 30, 1980
Petitioner-Appellee,	)	
And Concerning	)	
MARY M. RAKOFF,	)	<u>0-95</u>
Respondent-Appellant.	)	<u>2-63915</u>

Appeal from Jefferson District Court - Ira F. Morrison, Judge.

Respondent appeals economic provisions of decree dissolving her marriage to petitioner. - Affirmed with modification.

Patricia C. Kamath, Iowa City, for respondent-appellant.

John A. Morrissey, of Kelley & Morrissey, Fairfield, for petitioner-appellee.

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

Respondent, Mary M. Rakoff, appeals economic provisions of decree dissolving her marriage to petitioner, Henry Rakoff. We affirm with modification and remand for entry of provisions.

The trial court dissolved the twenty-nine-year marriage of Mary and Henry on May 10, 1979. A review of the trial court findings of fact shows at the time of the decree Henry, age 54, was earning \$31,198 per year while Mary, age 53, had an annual income of \$9000. The record indicates Henry holds a doctorate degree in chemistry, Mary has a bachelor's degree and teaching certificate, and both are capable of continuing employment. Under the trial court award, Mary was granted custody of the couple's three children and Henry was ordered to pay \$200 per month per child support until each obtained a baccalaureate degree or five years education. The couple's assets were nearly equally divided except Mary was granted possession of the couple's Fairfield home until their youngest child completes high school. The home then is to be sold and the proceeds equally divided.

On appeal, Mary asserts the trial court erred by not granting her an interest in life insurance policies held by Henry. She further claims she may need financial assistance when child support payments terminate and therefore, the trial court erred by not awarding her alimony. Our review of her contentions is de novo. Iowa R. App. P. 4. We apply the criteria of Schantz v. Schantz, 163 N.W.2d 398, 405 (Iowa 1968), except fault, In re Marriage of Williams, 199 N.W.2d 339, 345 (Iowa 1972).

I. Property division.

The trial court attempted to achieve a nearly equal distribution of the couple's assets and under Schantz, we think such a division was justified. See also In re Marriage of Conley, 284 N.W.2d 220, 223 (Iowa 1979). The trial court's failure to award Mary an interest in Henry's life insurance did not render the property division inequitable and we affirm the trial court's distribution of assets.

II. Alimony.

The trial court denied Mary's request for alimony and on appeal she asserts she should be granted alimony to assist her in meeting her financial needs once Henry's child support obligations cease. We agree.

In reviewing whether an award of alimony should be allowed, we look to the

particular facts of the case and make an ad hoc determination. Behrle v. Behrle, 228 N.W.2d 25, 27 (Iowa 1975). The Schantz criteria again are relevant and we recognize alimony and allocation of property rights are closely related in determining amounts to be allowed. See In re Marriage of Winter, 223 N.W.2d 165, 169 (Iowa 1974). Alimony may be awarded to aid a spouse in rehabilitation of a career. See In re Marriage of Burham, 283 N.W.2d 269, 277 (Iowa 1979); In re Marriage of Beeh, 214 N.W.2d 170, 174 (Iowa 1974). It also is a proper means to maintain a spouse in his or her accustomed standard of living. Beeh, 214 N.W.2d at 174. See also In re Marriage of Winegard, 278 N.W.2d 505, 512 (Iowa 1979) (wherein a sum in lieu of alimony was awarded to assist the wife in maintaining her accustomed standard of living.)

Under the facts of this case, we think alimony should be awarded. Mary sacrificed career development for family needs. At one point in the marriage she quit a teaching position so the children could have a full-time parent. Mary also has become accustomed to a standard of living she likely will be unable to maintain without some income supplement. Henry can afford to provide such a supplement. His annual income is more than three times Mary's. While he has been ordered to pay significant amounts for child support and must pay the monthly mortgage on the couple's home, he will be able to bear the expense of alimony once those obligations end. Further, imposition of a modest alimony obligation will not disturb the approximately equal property division. See Conley, 284 N.W.2d at 223.

Therefore, we order Mary shall receive annual alimony of \$1.00 until such time Henry's child support obligations cease. Thereafter, Henry shall pay Mary \$150 per month in periodic alimony. His obligation shall terminate on Mary's remarriage or the death of either party.

We affirm the decree of the trial court as modified and remand for entry of provisions consistent with this opinion. Costs of appeal are taxed to Henry.

AFFIRMED AS MODIFIED.