FILED
JAN 25 1979
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

HELEN M. SANDLER,	)	
Appellee,	)	Filed January 25, 1979
vs.	)	
JAY C. SANDLER,	)	759 / 2-61220
Appellant.	)	

Appeal from Polk District Court - R. A. Strickler, Judge.

Husband appeals award of alimony to wife. - Affirmed.

Raymond Rosenberg, Des Moines, for Appellant.

H. M. Coggeshall and William F. Fanter, Des Moines, for Appellee.

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

PER CURIAM

In this appeal, respondent Jay Sandler appeals the award of alimony to petitioner Helen Sandler pursuant to a decree terminating the parties' nine year marriage.

At time of trial, Jay was 52 years old and had a net annual income of approximately $22,600 while Helen, age 55, had a net salary of $7488 annually. Trial court divided the property of the parties equally and awarded Helen $150 per month alimony. Jay asserts that this amount is inequitable. With the alimony award, Helen's net annual income is $9288 and Jay's is $20,800.

Upon our de novo review of the instant case, we apply the criteria enumerated in Shantz v. Shantz, 163 N.W.2d 398, 405 (Iowa 1968), without considering the concept of fault. It appears to us that absent some alimony, Helen's income would be consumed by her monthly expenses. On the other hand, Jay enjoys a higher earning capacity and a more secure financial condition. We affirm the alimony award to Helen.

Helen has requested an allowance of attorney fees incurred in this appeal. Jay shall pay $750 toward those fees. Zinger v. Zinger, 243 N.W.2d 639, 642 (Iowa 1976).

AFFIRMED.