

IN THE COURT OF APPEALS OF IOWA

No. 7-080 / 96-0414

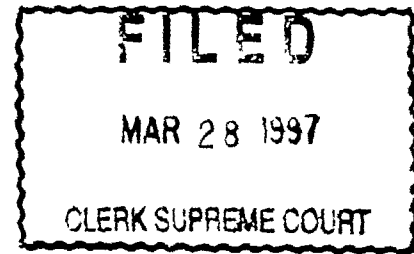
**IN RE THE MARRIAGE OF DELORES JOAN
FRITZ AND CLIFFORD EDWARD FRITZ**

Upon the Petition of
DELORES JOAN FRITZ,

Petitioner-Appellee,

And Concerning
CLIFFORD EDWARD FRITZ,

Respondent-Appellant.



Appeal from the Iowa District Court for Linn County, August F. Honsell,
Judge.

Respondent appeals various economic provisions of the parties' dissolution
decree. **AFFIRMED.**

Gary F. McClintock of Haeger & McClintock, Independence, for appellant.

Stephen B. Jackson and Stephen B. Jackson, Jr. of the Jackson Law Office,
Cedar Rapids, for appellee.

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

PER CURIAM

Clifford Fritz appeals the alimony and property division provisions of the parties' dissolution decree. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

Clifford and Delores Fritz were married on May 30, 1980, in Knoxville, Iowa. Clifford is retired. He receives monthly Social Security benefits of \$742. He has a small farming operation. In addition, he has annual income of about \$5000 from mowing grass. Delores did not work outside the home during the marriage. She cared for Clifford's daughter from a previous relationship, who lived with the parties and suffered from a learning disability. Delores has heart problems and diabetes. She receives monthly Social Security benefits of \$462.

The district court entered a dissolution decree for the parties on February 2, 1996. The court awarded each party the assets he or she had brought to the marriage. Clifford was ordered to pay Delores a cash property settlement of \$10,000. Taking this into account, Delores was awarded about \$30,000 and Clifford was awarded about \$41,000 in marital assets. Delores was awarded alimony of \$250 per month. Clifford now appeals.

Clifford contends the alimony award is excessive. He asks to have the amount reduced to \$175 per month. He states he will have to liquidate assets in order to pay his alimony obligation. 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). We find the award of alimony is equitable under the facts of this case. Delores has health problems and is not covered by health insurance. Her prescriptions cost more than \$200 per month. Clifford has greater income and was awarded more of the income-producing assets. We affirm the award of alimony.

Clifford also challenges the property division. He asks us to eliminate the cash property settlement of \$10,000. He believes Delores is not entitled to share in the increase in value of real estate he brought to the marriage. The partners in a marriage are entitled to a just and equitable share of the property accumulated through their joint efforts. *In re Marriage of Russell*, 473 N.W.2d 244, 246 (Iowa App. 1991). Delores contributed to the marriage by caring for the home and for Clifford's child. We affirm the property division.

Delores asks for attorney fees for this appeal. We determine Clifford should pay \$750 of Delores' appellate attorney fees.

We affirm the decision of the district court. Costs of this appeal are assessed to Clifford.

AFFIRMED.