FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 9-509 / 88-1146

IN RE THE MARRIAGE OF PATRICIA ANN PROCTOR

AND EDWARD NORMAN PROCTOR

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Upon the Petition of

PATRICIA ANN PROCTOR,

Petitioner-Appellee/Cross-Appellant,

And Concerning

EDWARD NORMAN PROCTOR,

Respondent-Appellant/Cross-Appellee.

Appeal from the Iowa District Court for Wayne County, Darrell Goodhue, Judge.

Appeal and cross-appeal from a district court decree of dissolution concerning alimony, attorney fees, and provisions for the support of the parties' children. **AFFIRMED.**

Marvin V. Colton, Albia, for appellant.

Sheila D. Sidles, Centerville, for appellee.

Considered by Schlegel, P.J., and Sackett and Habhab, JJ.

SACKETT, J.

We address challenges to alimony, child support, and attorney fee awards in a dissolution decree. Respondent-appellant Edward Proctor objects to the duration and amount of an alimony award made to petitioner-appellee Patricia Proctor. Patricia, on cross-appeal, objects to the duration and amount of the alimony and the provisions made for Edward's contribution to the children in her physical care, as well as the amount of attorney fees awarded her. We affirm.

Edward, who was fifty-nine at the time of trial, and Patricia, who was forty-five, were married in 1965. They had three children, two of whom were born in 1970 and 1971 and are still subject to support. The trial court awarded physical care of the two children to Patricia and ordered Edward to pay child support of $55 per week per child until the children were age twenty-two, providing the children were full-time students. Additionally, Edward was ordered to continue existing medical coverage on the children and pay one-half of their medical expenses not covered by insurance. The decree also provided Edward could claim the children as dependents on his tax return.

Patricia was given the right to occupy the parties' homestead, until the youngest child graduated from high school, by paying one-half of the mortgage insurance, taxes, utilities, and upkeep. Patricia was awarded alimony

for ten years commencing at $150 per month and increasing to $250 per month when Edward only owed support for one child. After the ten-year period, the trial court ordered that Patricia receive one-half of a pension Edward was to receive as a result of an eleven-year employment in Wisconsin during the marriage, and one-half of the percentage of Edward's Iowa Public Service retirement account accrued during the marriage.

Edward contends the alimony is too much and for too long a duration; Patricia contends the alimony is too little and its duration is too short. In assessing the amount and duration of an alimony award, we consider the property division and alimony together. In re Marriage of Dahl, 418 N.W.2d 358, 359 (Iowa App. 1987); In re Marriage of Griffin, 356 N.W.2d 606, 608 (Iowa App. 1984).

Our review of this issue is made more difficult by the parties' omission from their briefs of the facts of the property division. The parties apparently agreed on a property settlement, which was incorporated by the trial court in its decree. Our independent review of the record indicates the property consisted primarily of a lot and store building with upstairs living quarters located in Seymour, Iowa. The store building has a replacement value in excess of $150,000 but because of its location it was only valued at about $7,000 and was encumbered by a mortgage in a like amount. Patricia, however, was given

the right to occupy the apartment in the building that had been the parties' home. She was required to pay one-half of the mortgage and expenses. We consider the minimal housing expense Patricia will have in assessing her need for child support. A lot that went to Edward was valued at less than $3,000. The vehicles and household furnishings were not valued. We assume they had modest values.

Edward has been employed since 1982 by the City of Seymour at an annual salary of $17,500. He also receives military retirement of $8,200 annually. Edward was in the military for about nineteen years and was married to Patricia for just less than a year and a half of that time. Edward then worked for eleven years for a Wisconsin company from which he will receive a pension when he retires.

Patricia worked for about a year prior to the marriage. Her employment outside the home since the marriage has been limited. She worked six months in a factory and had a fabric shop in the building in Seymour for four years. The business was not profitable. She did some part-time work in a local cafe. She currently works three days a week in advertising for a local paper at a salary of $50 per week and works at the library for $134 per month.

Edward will receive IPERS, a pension from the Wisconsin company, military retirement, and social security when he

retires. Patricia, at the current time, has little or no retirement resources. She has made minimal FICA contributions. Edward obviously has contributed more to FICA. We consider social security benefits when examining the economic provisions of a divorce decree. In re Marriage of Yates, 365 N.W.2d 49, 51 (Iowa App. 1985). Patricia has dependency benefits because the marriage lasted over ten years, but she can collect only if she remains single. Dependency benefits do not cover her in the event of her own disability. See In re Marriage of Voss, 396 N.W.2d 801, 804 (Iowa App. 1986).

Both parties challenge the duration of the alimony. Edward argues he should not be required to pay Patricia alimony when she is receiving retirement benefits. We find this argument to be without merit. As we read the trial court's decree, Patricia does not commence receiving the IPERS and Wisconsin pension until the ten-year period is over. We reject Patricia's challenge to the duration of the alimony. We note also that the military pension was not divided, even though it can now be divided in a dissolution action. Uniformed Services Former Spouses' Protection Act, Pub. L. No. 97-252, 96 Stat. 718, 730-738 (1982); In re Marriage of Yates, 365 N.W.2d 49, 50-51 (Iowa App. 1985). We affirm.

Patricia challenges the amount of child support, her requirement to pay one-half medical expenses not covered by

insurance, and the fact she was not given the tax exemption for the children. We consider these provisions equitable, especially in light of the fact Patricia can continue to live in the parties' apartment while the children are at home.

Patricia challenges the $500 attorney fee award. We affirm. See Dahl, 418 N.W.2d at 359.

Patricia requests attorney fees on appeal. We award her $1,000. Costs on appeal are taxed one-half to each party.

AFFIRMED.