

IN THE COURT OF APPEALS OF IOWA

No. 3-552 / 93-257

IN RE THE MARRIAGE OF MARIE K. ROSONKE AND DONALD H. ROSONKE,

Upon the Petition of
MARIE K. ROSONKE,

Appellee,

And Concerning
DONALD H. ROSONKE,

Appellant.

Appeal from the Iowa District Court for Floyd County, Jon Stuart Scoles, Judge.

Donald Rosonke appeals the district court's order in its decree of dissolution of marriage that he pay his former wife spousal support in the amount of $200 per month. **AFFIRMED AS MODIFIED.**

Russell Schroeder, Jr. of Schroeder Law Office, Charles City, for appellee.

Judith O'Donohoe of Eggert, Erb, Ott, O'Donohoe & Frye, Charles City, for appellant.

Considered by Hayden, P.J., and Sackett and Cady, JJ.

HAYDEN, P.J.

Donald and Marie Rosonke were married in 1959 and together had six children. When the children were young Marie stayed home and Donald worked outside the home, primarily at a tractor manufacturing plant doing various line jobs. Marie went to work outside the home in 1980 as a part-time dietary aide. She began to work full-time in August 1991.

The parties separated in July 1991, and Marie filed a petition for dissolution of marriage. At the time of dissolution Marie was fifty-four years of age, and Donald was fifty-three years of age. Donald and Marie stipulated to a property division. The trial court determined Marie's annual gross income at the time of trial was $12,069.96 and Donald's annual gross income was $19,114.54. The trial court concluded Donald should pay $1762.06 of the parties' marital debts and Marie should pay $1806.01. The trial court ordered Donald pay alimony to Marie in the amount of $200 per month until she dies, remarries, or turns sixty-five.

Donald argues the trial court erred in ordering him to pay alimony to Marie. He contends when debt consequences are considered there is only a $4800 disparity in the parties' annual net earnings. Donald argues the trial court failed to consider he will be laid off from his job at the manufacturing plant. The plant is scheduled to close, and it is uncertain whether or not it will reopen.

He also argues the trial court failed to consider the distribution of marital property, the allocation of marital debts, and, at the time of trial, Marie had a standard of living comparable to that which the parties had before their separation.

In this equity action, our review is de novo. Iowa R. App. P. 4. We have a duty to examine the entire record and adjudicate anew rights on the issues properly presented. In re Marriage of Steenhoek, 305 N.W.2d 448, 452 (Iowa 1981). We give weight to the fact findings of the trial court, especially when considering the credibility of witnesses, but are not bound by them. Iowa R. App. P. 14(f)(7).

Alimony is an allowance to a former spouse in lieu of the other spouse's legal obligation for support. See In re Marriage of Hitchcock, 309 N.W.2d 432, 437 (Iowa 1981) (citation omitted). When determining the appropriateness of alimony, the court must consider "(1) the earning capacity of each party, and (2) present standards of living and ability to pay balanced against relative needs of the other." In re Marriage of Estlund, 344 N.W.2d 276, 281 (Iowa App. 1983) (citation omitted).

Upon reviewing the facts of this case, we determine the circumstances require reduction of the alimony award. We must consider the earning capacity of each party. In re Marriage of Vine, 447 N.W.2d 139, 142 (Iowa App. 1989). Also "[w]e consider the economic provisions of a

dissolution decree as a whole." In re Marriage of Dahl, 418 N.W.2d 358, 361 (Iowa App. 1987) (citation omitted). The disparity of earning capacity between the parties is not great, especially when considering the distribution of marital debts and distribution of marital property. Marie's standard of living now is comparable to that which she enjoyed before their separation. She has been employed full-time since 1991. Marie is self-supporting and is not in need of alimony. Considering all these circumstances, it is equitable to modify the judgment of the trial court.

However, we realize circumstances may change. It is possible in the foreseeable future Marie will again be in need of alimony. Therefore, we modify the judgment of the trial court's award of alimony to the sum of $1 per month to Marie until she dies, remarries, or turns sixty-five. If there is a material change of circumstances before then, Marie will be able to petition for a modification to increase the alimony. Costs on appeal are assessed one-half to each party. Judgment of the trial court is affirmed as modified.

AFFIRMED AS MODIFIED.