FILED
JAN 26 1982
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF DONALD P. SCOTT AND CAROLYN SCOTT

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UPON THE PETITION OF **DONALD P. SCOTT,**	)	
Petitioner-Appellee,	)	Filed January 26, 1982
AND CONCERNING **CAROLYN SCOTT,**	)	1-447 2-66742
Respondent-Appellant.	)	

Appeal from Scott District Court, James R. Havercamp, Judge.

Respondent-wife appeals from the economic provisions of the parties' dissolution decree asserting the trial court's denial of her request for alimony was inequitable, the property settlement was unfair and she requests attorney fees for expenses incurred at trial and on appeal. AFFIRMED WITH MODIFICATION.

Edward N. Wehr of Wehr & DeLange, Davenport, for respondent-appellant.

John A. Bowman of Wells, McNally & Bowman, Davenport, for petitioner-appellee.

Considered by Oxberger, C.J., and Donielson, Snell, Carter, and Johnson, JJ.

PER CURIAM

Respondent-wife appeals from the economic provisions of the parties' dissolution decree asserting the trial court's denial of her request for alimony was inequitable, the property settlement was unfair, and she requests attorney fees for expenses incurred at trial and on appeal. We modify the trial court's decree by awarding respondent alimony. In all other respects, the trial court's order is affirmed.

Petitioner, Donald P. Scott, and respondent, Carolyn Scott, have been married since 1951. Donald is fifty-two and Carolyn is forty-nine. The parties have two children who have attained their majority and will not be directly affected by the decree.

Donald is employed by Prudential Insurance Company. In 1980, Donald reported a gross income of over $45,000 and a net income of approximately $37,000. Donald owns a farm in Illinois valued at $120,000, which is subject to a life estate in his father. Donald has attended four years of college and has obtained a degree. Donald's health is generally good.

Carolyn has graduated from high school and completed two years of college. At the time of trial, she was employed by the Bettendorf Community School District at a net annual salary of $5374. Carolyn has been informed, however, she will be laid off in the near future due to budget constraints. Carolyn inherited a farm valued at $96,000. She also inherited funds sufficient to purchase bonds and common stock with a present fair market value of $31,850. The net income from her farm for 1980 was approximately $7000. Carolyn's stocks and bonds will provide an additional $3800 of income annually. Carolyn also owns jewelry with an approximate value of $5000. Carolyn's physical and mental health are good.

The trial court segregated the property each party inherited from the marital assets to be divided between them. The trial court ordered the family residence be sold within two years and the net proceeds divided equally. Each party was awarded personal property then in each person's possession. Each party was awarded his or her respective retirement and pension funds. Donald is to pay $2651 of the parties' debts and Carolyn is to pay the balance. Donald is also to pay a total of $8000 to Carolyn at the rate of $333 per month for twenty-four months. The trial court made no provisions for alimony payments or attorney fees and assessed costs to Donald.

Carolyn appeals the order claiming she should be awarded alimony and a larger portion of the marital assets, and requesting some provision be made for the attorney fees she incurred during trial and on appeal.

Our review of this case is de novo. Iowa R. App. P. 4. We are not bound by the trial court's findings of fact, but we give weight to the findings, especially regarding the credibility of witnesses. Iowa R. App. P. 14(f)(7). In reviewing each individual economic provision of a dissolution decree, we consider all the provisions together as an integrated whole. See In re Marriage of McFarland, 239 N.W.2d 175, 179 (Iowa 1976).

I. Property Settlement.

In response to Carolyn's argument, we are guided by the notion that although an equal division of the assets is frequent, there is no requirement that parity between the parties be effected. In re Marriage of Schissel, 292 N.W.2d 421, 423 (Iowa 1980); In re Marriage of Conley, 284 N.W.2d 220, 223 (Iowa 1979). Even if the trial court's goal was to divide the assets equally, there is no requirement that the division be mathematically precise. Conley, 284 N.W.2d at 223. The test for an acceptable allocation of assets is whether the distribution constitutes an equitable and just award under the particular circumstances of the parties. Locke

v. Locke, 246 N.W.2d 246, 251 (Iowa 1976); Schantz v. Schantz, 163 N.W.2d 398, 405 (Iowa 1968); In re Marriage of Williams, 199 N.W.2d 339, 345 (Iowa 1972). We conclude that the trial court's award in this instance was fair and equitable.

The trial court considered each parties' respective financial contribution to the marriage. The court considered each parties' living standards, age, physical and mental health, earning capacities and needs. See In re Marriage of Andersen, 243 N.W.2d 562, 563-64 (Iowa 1976); In re Marriage of Williams, 199 N.W.2d 339, 345 (Iowa 1972); Schantz v. Schantz, 163 N.W.2d 398, 405 (Iowa 1968). Our review of the record results in the conclusion the trial court equitably divided the marital assets. Accordingly, the property division is affirmed.

II. Alimony.

Carolyn contends the evidence establishes her right to permanent alimony. Carolyn bases her claim primarily upon the disparity between her earning capacity and Donald's, her financial contributions to the marriage and the sacrifices she made during the marriage in raising the children and assisting Donald with business entertainment. After applying the criteria set forth in Schantz v. Schantz, 163 N.W.2d 398, 405 (Iowa 1968), excluding fault, In re Marriage of Williams, 199 N.W.2d 339, 345 (Iowa 1972), we agree with her contention. Although allocations for alimony, support and property have different purposes, the court can properly consider how the property has been divided in awarding alimony. In re Marriage of Winter, 223 N.W.2d 165, 169 (Iowa 1974).

In considering the relative financial statuses and earnings prospects of the parties and the property distribution effected, we conclude Donald should pay Carolyn $350 per month as permanent alimony until such time as she remarries or either party dies.

III. Attorney Fees.

Carolyn seeks reimbursement for her attorney fees incurred during trial and as a result of this appeal. Our primary consideration in making that determination is each party's resources. In re Marriage of Williams, 303 N.W.2d 160, 167 (Iowa 1981). Assessing the parties' resources in this case, we deny Carolyn's request for attorney fees.

AFFIRMED WITH MODIFICATION.