FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF JOHN G. BROWN, JR. AND JANET A. BROWN

Upon the Petition of)
JOHN G. BROWN, JR.,) Filed December 23, 1980
Petitioner-Appellee,)
And Concerning)
JANET A. BROWN,) 0-281
Respondent-Appellant.) 2-63053

Appeal from Cerro Gordo District Court - John F. Stone, Judge.

Respondent-wife appeals provisions of dissolution of marriage decree regarding property division and alimony. - AFFIRMED.

William J. Keen, of Levinson, Enabnit & Keen, Mason City, for respondent-appellant.

Jay Shriver, of Beck, Pappajohn, Shriver & Stephenson, Mason City, for petitioner-appellee.

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

PER CURIAM

Respondent-wife, Janet A. Brown, appeals the provisions of a dissolution of marriage decree regarding property division and alimony. We affirm.

Janet and John were married March 21, 1975, and the marriage was dissolved October 13, 1978. Janet has one child by a prior marriage and John has three. No children came from Janet and John's marriage. At the time of trial Janet, 42, worked part-time as a medical secretary, and John, 46, was employed as manager of the Elmwood Cemetary in Mason City, Iowa. John had previously served 20 years in the navy. John nets $481 per month in navy retirement pay and $652 every four weeks as manager of Elmwood Cemetary. Janet nets $320 per month from her job as a medical secretary. The trial court awarded Janet no alimony. The trial court awarded John assets that we value at $12,499[1] and Janet assets that we value at $9250.[2] The trial court ordered John to pay debts of $4917 and Janet to pay debts of $5588.

Our review 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 them, especially regarding the credibility of witnesses. Iowa R. App. P. 14(f)(7). In reviewing the property and alimony provisions of a dissolution decree, we consider the factors enunciated in Schantz v. Schantz, 163 N.W.2d 398, 405 (1968), except fault. In re Marriage of Williams, 199 N.W.2d 339, 345 (Iowa 1972). Although alimony on one hand and allocation of property rights on the other have different purposes, they are still closely related in the matter of determining the amount to be allowed. Schantz, 163 N.W.2d at 405.

I. Janet contends that the trial court unfairly failed to award her alimony. Janet bases her contention on the ground that ill health partially induced by the marriage to John forced her to change from a forty-hour work week to a twenty-hour work week, thereby significantly reducing her income.

As de novo factfinder, we are unimpressed with Janet's argument. The record does not make clear exactly what Janet's ailment is. There is evidence that her ill health predated the marriage. There is evidence that her ill health was caused by

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[1] This figure was arrived at by valuing the house at $15,000, of which John has a 1/2 interest.

[2] This figure was arrived at by valuing the furniture awarded Janet at $4000.

factors unrelated to the marriage, such as an unusually fast heart beat and a demanding job. Janet produced no expert medical testimony concerning the nature or cause of her ill health. Janet has not established by a preponderance of evidence that the marriage to John caused her ill health. See Iowa R. App. P. 14(f)(5) & (6).

There is evidence that ill health did not play a role in Janet's decision to reduce her workload, and she has offered no evidence showing that ill health prevents her from resuming working a forty-hour week. We agree with the trial court's finding that there is no medical evidence that Janet is incapable of working a forty-hour week.

Janet appears to be claiming that the marriage has caused her some kind of stress that prevents her from working full-time. Even assuming the truth of Janet's claim, it would seem that the dissolution of the marriage should lead to the dissipation of her ill health and thereby enable her to work a forty-hour week. In light of Janet's failure to show herself unable to work forty hours per week, and in light of the criteria articulated in Schantz as applied to the circumstances of this case, we decline to overturn the trial court's decision denying Janet an alimony award.

II. Janet contends that the property division of the dissolution decree was unfair. In determining the propriety of the property division of a dissolution decree, we are not guided by statutorily sanctioned percentages; we must determine what is an equitable and just award under the circumstances. Locke v. Locke, 246 N.W.2d 246, 251 (Iowa 1976).

Janet argues that the trial court's property division is unfair because its result is that John's postmarital net worth exceeds his premarital net worth and Janet's postmarital net worth is less than her premarital net worth. Janet fails to sustain her argument because of grossly overestimating John's equity in a house and underestimating the value of furniture awarded her.

Even assuming that John's net worth increased and Janet's net worth decreased as a result of the dissolution decree, the property division was not unjust under the circumstances of this case. Under the dissolution decree Janet was ordered to pay $5588 in debts. $3638 of that amount is for a 1978 Ford Fairmont possessed by and awarded to Janet. $1350 of that amount represents a bank loan made to Janet that she utilized for her personal use. $600 represents a debt incurred by Janet to a credit union. On the other hand, the dissolution decree ordered John to pay medical bills of $492 incurred solely by Janet. The only respect in which the value of John's assets

increased during the parties' marriage was the appreciation on a house in which he had acquired a 1/2 interest prior to the marriage. There is no evidence that Janet had anything to do with the house's appreciation. The record discloses that all of the assets allocated in the dissolution decree, except for the household furniture, the entirety of which was awarded to Janet, were individually acquired by John or Janet and were individually awarded to the acquiring party. Given the short 3 1/2 year duration of the marriage and the fact that the trial court awarded individually acquired property to the acquiring individual, and given the other factors articulated in Schantz as applied to the circumstances in the instant case, we conclude that the trial court made a fair division of property between Janet and John.

AFFIRMED.