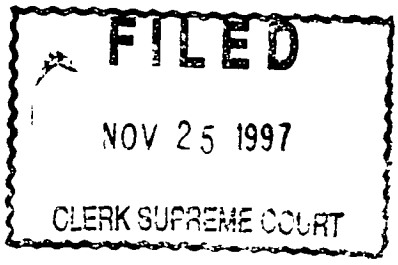
IN THE COURT OF APPEALS OF IOWA

No. 7-544 / 96-1357

000177

IN RE THE MARRIAGE OF DOROTHY J. JOHNSON AND MICHAEL D. JOHNSON



Upon the Petition of
DOROTHY J. JOHNSON,

Appellant,

And Concerning
MICHAEL D. JOHNSON,

Appellee.

Appeal from the Iowa District Court for Linn County, Thomas L. Koehler, Judge.

Dorothy appeals certain economic provisions of the parties' dissolution of marriage decree. **AFFIRMED AS MODIFIED.**

Paul D. Gamez of Moyer & Bergman, P.L.C., Cedar Rapids, for appellant.

R.M. Fassler, Cedar Rapids, for appellee.

Considered by Cady, C.J., and Huitink, and Mahan, JJ.

CADY, C.J.

This is an appeal by a wife claiming the economic provisions of the parties' dissolution decree were inequitable to her. On appeal, we affirm as modified by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

Dorothy and Michael Johnson were married in 1970. They have one child, Jamie, who was born on June 28, 1980. Dorothy is employed as a secretary by the Cedar Rapids Community School District, where she has annual income of about $16,723. Michael is employed as a plumber, and has annual income of about $52,000.

The district court entered a dissolution decree for the parties on July 11, 1996. Jamie was placed in Michael's primary physical care, and Dorothy was ordered to pay child support of $220 per month. Taking into account the cash property settlement and liabilities, Dorothy was awarded net assets worth $29,607 and Michael was awarded net assets worth $41,586. Michael was ordered to pay alimony of $300 per month for a period of three years. Each party was ordered to pay his or her own attorney fees.

I. In her appeal, Dorothy contends the duration of the alimony award was inadequate. We agree with Dorothy's arguments, and determine she should be awarded $300 per month in permanent alimony. Michael was awarded a greater portion of the parties' assets. While the division of assets is not an issue on appeal, the division does provide a reason to increase the duration of the alimony award.

Also, Dorothy's earning capacity will never approach that of Michael. Michael earns more than three times as much income as Dorothy, and will continue to do so into the foreseeable future.

For these reasons, we modify the parties' dissolution decree to order Michael to pay $300 per month in alimony to Dorothy until the death of either party, or Dorothy's remarriage, whichever occurs first.

II. Dorothy claims the district court abused its discretion by denying her request for trial attorney fees. She asks to be awarded $5,000 for trial attorney fees. We find no abuse of discretion in the district court decision ordering each party to pay his or her own trial attorney fees.

We affirm the decision of the district court, except we have specifically modified the duration of the alimony award. Costs of this appeal are assessed one-half to each party.

AFFIRMED AS MODIFIED.