FILED
JUN 30 1978
CLERK SUPREME COURT

165

IN THE COURT OF APPEALS OF IOWA

IN RE MARRIAGE OF RAYMOND GIBSON DUFFORD AND CARMA LAVERNE DUFFORD

Upon the Petition of	)	
RAYMOND GIBSON DUFFORD,	)	Filed June 30, 1978
Appellee,	)	
And Concerning	)	560
CARMA LAVERNE DUFFORD,	)	2-61116
Appellant.	)	

Appeal from Pottawattamie District Court - J. L. Larson, Judge.

Appeal from alimony provision of dissolution of marriage decree. Affirmed as modified.

John D. Sens, of Johnson, Stuart, Tinley, Peters & Thorn, Council Bluffs, for appellant.

Charles L. Smith, of Telpner & Smith, Council Bluffs, for appellee.

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

PER CURIAM

Carma Laverne Dufford appeals, asking that the alimony awarded to her in a decree of marriage dissolution be increased and made permanent. Other provisions of the decree, including the division of marital property and award of child support, are not challenged.

In resolving the issue presented in this appeal as trier de novo, we must examine the entire record, giving weight to trial court's findings, but not being bound by them. In re Marriage of Winegard, 257 N.W.2d 609, 613 (Iowa 1977). The criteria to be applied are those set out in Schantz v. Schantz, 163 N.W.2d 398, 405 (Iowa 1968), but without consideration of fault. In re Marriage of Williams, 199 N.W.2d 339 (Iowa 1972).

Trial court's carefully drawn decree sets forth all of the relevant financial data; we need not repeat those findings, all of which are amply supported by the evidence. We differ, however, with trial court's determination regarding alimony. Considering in particular the standard of living gained by the parties during their marriage, the present needs of each, their respective earning capacities, and petitioner's ability to pay, we conclude that the alimony award of $250 per month should continue only until petitioner's decreed child support obligation ceases; from that time forward, respondent shall receive permanent alimony of $400 per month until such time as she shall remarry or die.

Attorney fees for this appeal are sought by respondent. Such fees are not allowed as a matter of right and any award must depend upon financial circumstances and earnings of both parties. In re Marriage of Peterson, 227 N.W.2d 139, 142 (Iowa 1975). We find that petitioner should pay $600 towards respondent's attorney fees, to be paid no later than December 31, 1978. By so doing we do not fix the amount to be charged by respondent's attorney; we have only decided what portion petitioner should pay. In re Marriage of Peterson, 227 N.W.2d at 143.

Trial court's decree is affirmed as modified, and this cause is remanded for entry of decree consistent with this opinion. Costs on appeal are taxed to petitioner.

Affirmed as modified.