FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF MAXINE TOWNSEND and JAMES TOWNSEND

Upon the Petition of)
MAXINE TOWNSEND,) Filed September 9, 1977
Appellant,)
And Concerning,)
JAMES TOWNSEND,) 189 / 2-59076
Appellee.)

Appeal from Jones County District Court - Harold D. Vietor, Judge.

Appeal from dissolution decree on questions of alimony, child support, college education and property settlement. AFFIRMED AS MODIFIED.

John C. Monroe, of Lynch, Dallas, Smith & Harman, of Cedar Rapids, for appellant.

James G. Thomas, of Anamosa, for appellee.

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

PER CURIAM

Petitioner, Maxine Townsend, appeals the economic and child support provisions of the dissolution decree. The parties were married 18 years and at the time of the hearing were 37 years old. Two daughters were born during the marriage, Joni, age 18, and Judy, age 13 1/2. Our review is de novo. Rule 4, Rules of Appellate Procedure.

In matters of property settlements and alimony we are guided by the criteria set forth in Schantz v. Schantz, 163 N.W.2d 398, 405 (Iowa 1968), except that the fault concept has been eliminated by In re Marriage of Williams, 199 N.W.2d 339, 345-46 (Iowa 1972). Factors to be considered in making child support allowances are found in In re Marriage of Zoellner, 219 N.W.2d 517, 525 (Iowa 1974). In either instance, precedents are of little value, and determinations of what is right depends upon the facts of each case. **Zoellner**, supra; In re Marriage of Romig, 207 N.W.2d 780, 783 (Iowa 1973). While we give weight to the trial court's findings of fact, we are not bound by them. Rule 14(f)(7), R. App. P.

In the decree, the trial court ordered respondent, James Townsend, to pay petitioner alimony in the amount of $100 per month beginning January 1, 1976, and terminating upon remarriage, death of either party or February 1, 1986, whichever occurs first. At the time of the decree, petitioner was employed as a nurse's assistant at the Senior Home in Monticello, Iowa, where she earned $2.10 per hour with an expected pay raise in January, 1976, to $2.20 per hour. Her average net take-home pay was $285 per month. Respondent was employed as a sales manager for Lear-Sigler, also in Monticello. His monthly income was $1670 with a take-home pay of $1267 per month. The trial court awarded the parties' home to petitioner, subject to a mortgage, as well as custody of the two girls and $300 per month child support.

After a review of the criteria set forth in **Schantz**, including duration of the marriage, earning capacity, standard of living and the ability to pay balanced against the needs of the parties, we find that the award of alimony should be modified. Alimony is increased from $100 to $200 per month to continue until either party dies or petitioner remarries.

As part of the property settlement, the trial court ordered petitioner to pay respondent the sum of $4000 which was to be entered as a judgment and which was to be a lien on the home of the parties awarded to petitioner. The judgment was to bear interest at the statutory rate, but enforcibility was postponed. Although allocations of support money, alimony and property have different purposes, they are closely related in determining the amount to be awarded. In re Marriage of Freese, 226 N.W.2d 800, 802 (Iowa 1975). Respondent was awarded his profit-sharing plan which had a value of $16,355.96 at the time of trial.

We find the division of property decreed by the trial court was fair and well within the guidelines established by the supreme court.

Petitioner also asks the court to modify the decree to require respondent to pay the expense of the children's further education. She states she is without funds to do so and that respondent is in a better position to pay them. At a minumum, she wants respondent to be responsible for the children's college tuition, fees and books. The Supreme Court has recognized that a husband with a greater earning capacity can be required to pay the college expenses of the parties' children. In re Marriage of Ward, 226 N.W.2d 812, 814 (Iowa 1975).

The trial court has provided for the childrens' support beyond age 18 if they qualify under §598.1, The Code. We do not foreclose the right of either party to secure further modification upon proper application and proof. In re Marriage of Briggs, 225 N.W.2d 911, 915 (Iowa 1975).

Finally, petitioner asks for attorney fees for this appeal. The trial court ordered respondent to pay $900 towards petitioner's attorney fees at the trial court level. On appeal petitioner's attorney has filed an itemized statement showing costs and expenses of $1286.58. The filing fee, brief and appendix costs are properly taxed as costs on this appeal. Other items representing money advanced for postage, telephone calls and photocopies in the amount of $22.90 are allowed and petitioner shall be awarded judgment in that amount. See In re Marriage of Zoellner, 219 N.W.2d 517, 526 (Iowa 1974). Petitioner is also allowed $900 toward her attorney fees rendered on this appeal and judgment shall be entered in the trial court for such amounts.

Costs are taxed to respondent and the judgment of the trial court is affirmed as modified. AFFIRMED AS MODIFIED.