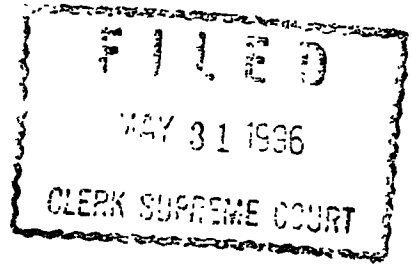
IN THE COURT OF APPEALS OF IOWA

No. 6-001 / 94-493



IN RE THE MARRIAGE OF JEANETTE M. HANSEN AND JACK C. HANSEN

Upon the Petition of
JEANETTE M. HANSEN,

Appellant/Cross-Appellee,

And Concerning
JACK C. HANSEN,

Appellee/Cross-Appellant.

Appeal from the Iowa District Court for Black Hawk County, Robert E. Mahan, Judge.

Jeanette appeals and Jack cross-appeals certain provisions of the parties' dissolution decree. **AFFIRMED.**

Gary J. Boveia of the Boveia Law Firm, Waverly, for appellant.

Douglas V. Coonrad of Douglas V. Coonrad, P.C., Hudson, for appellee.

Considered by Sackett, P.J., and Cady and Streit, JJ. Vogel, J., takes no part.

PER CURIAM

The wife appeals and the husband cross-appeals the alimony and attorney fee provisions of the dissolution decree entered for the parties by the district court. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

Jeanette and Jack Hansen were married in 1988, when Jack was sixty-one years old and Jeanette was fifty. Jack was then retired, and Jeanette quit her job at a bank, which allowed the parties to travel extensively during the marriage. At the time of the marriage, Jeanette had assets worth about $100,000, and Jack had assets worth about $750,000.

The district court issued a dissolution decree for the parties on February 8, 1994. Each party was awarded the assets they brought to the marriage. Jeanette was awarded alimony of $1,000 per month for two years, then $500 per month for the next two years. Jack was ordered to pay $5,000 toward Jeanette's trial attorney fees.

I. Jeanette has appealed, and Jack has cross-appealed, on the alimony provision in the dissolution decree. Jeanette states Jack asked her to retire so she would be free to travel with him, and she believes she should not now be required to return to work. Jeanette asks for alimony of $3,000 per month for ten years, or in the alternative, a lump-sum payment of $280,000. Jack asserts Jeanette earned $18,000 per year before the marriage, and claims she has no need for alimony.

Alimony is not an absolute right; an award depends upon the circumstances of each particular case. *In re Marriage of Whelchel*, 476 N.W.2d 104, 110 (Iowa

App. 1991). The discretionary award of alimony is made after considering those factors listed in Iowa Code section 598.21(3). *Id.* at 110-111.

We find the award of alimony in this case is equitable. Jeanette was fifty-five years old at the time of the dissolution decree, and we find she is capable of returning to work. The present award of alimony will be of assistance to her until she reaches the age of fifty-nine, when the funds from her IRAs will be available to her.

We also note that Jack has sufficient assets and income to pay Jean alimony. Jack receives annual social security income of $8,592. He also receives average annual investment income of $29,200. In addition, Jack has assets worth over $600,000.

II. Jeanette claims the district court abused its discretion in not requiring Jack to pay the full amount of her trial attorney fees, $7,412. Jack claims Jeanette has sufficient assets of her own to pay for her attorney fees, and asks to have the award of attorney fees reversed. Iowa trial courts have considerable discretion in awarding attorney fees. *In re Marriage of Hunt*, 476 N.W.2d 99, 193 (Iowa App. 1991). We find no abuse of discretion in the district court's decision to require Jack to pay $5,000 for Jeanette's attorney fees.

III. Jeanette asks to have Jack pay $6,891 for her attorney fees for this appeal. Jack asks that Jeanette be ordered to pay $3,000 toward his appellate attorney fees. We determine each party should pay his or her own attorney fees for this appeal.

We affirm the district court on each issue raised in the appeal and cross-appeal. Costs on appeal are assessed one-half to each party.

AFFIRMED.