FILED
MAY 31 1988
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF BARBARA JEAN SIEH AND EDWARD ALFRED SIEH

Upon the Petition of	)	235
BARBARA JEAN SIEH,	)	Filed May 31, 1988
Petitioner-Appellee,	)	
And Concerning	)	
EDWARD ALFRED SIEH,	)	7-601 87-510
Respondent-Appellant.	)	

Appeal from the Iowa District Court for Grundy County (No. 2-60), Peter Van Metre, Judge.

Respondent husband appeals the decree dissolving the parties' marriage. **AFFIRMED.**

Robert W. Thompson of Rickert, Thompson & Kazragis, Reinbeck, for appellant.

Timothy M. Sweet of Beard & Sweet, Reinbeck, for appellee.

Considered by Oxberger, C.J., and Donielson and Schlegel, JJ.

SCHLEGEL, J. 236

The respondent husband appeals the decree dissolving the parties' marriage. He asserts that: (1) the property division is inequitable, and (2) the trial court should not have awarded the petitioner wife any alimony. The petitioner wife requests attorney fees on appeal. We affirm.

The petitioner, Barbara Jean Sieh, and the respondent, Edward Alfred Sieh, were married in 1974. It was each party's third marriage. No children were born of the marriage, but Barbara's daughter from a previous marriage lived with the parties. Barbara brought assets worth $13,000 to the marriage. During the marriage, Barbara maintained the parties' home and worked part time at a swimming pool and at a seed corn company. She was unemployed at the time of trial. Edward had inherited a house and a considerable amount of farmland prior to the marriage and earned a comfortable income from these real estate interests. During the marriage, Edward was responsible for managing the farms and business activities of the parties. At the time of trial, Barbara was fifty-six years old and Edward was fifty-eight.

In its dissolution decree, the trial court directed Edward to pay Barbara "transitional alimony" of $750 per month for three years. The trial court awarded Edward the homestead, the farm in Grundy County, and life estate in the Black Hawk County farm (both of which he had inherited prior to the marriage). Barbara was awarded Iowa Resources stock, a Honda car, a moped, and a $34,000 sum as compensation for her share in the value of property acquired during the marriage plus her contribution to the marriage. The court requested the parties to make an equitable division of their personal property between themselves. Finally, Edward was directed to pay all of the parties' debts except one.

Our scope of review is de novo. Iowa R. App. P. 4. Initially, Edward contends that the trial court's division of property was inequitable. The factors we consider in determining whether a property division is equitable are set forth in section 598.21(1) of the Iowa Code (1985). When dividing property, equality need not be achieved with mathematical precision. In re Marriage of Conley, 284 N.W.2d 220, 223 (Iowa 1979). Upon review of the record, we believe that the trial court's division of property was fair and equitable. Among the factors stated in section 598.21(1) are the length of the marriage, the contribution of each party to the marriage (giving appropriate economic value to each party's contribution in homemaking), and the earning capacity of each party.

The record indicates that Barbara made various contributions to the marriage. First, she served as the primary homemaker for over twelve years. Barbara's contribution is also evidenced in the improvements to the real estate which Edward brought to the marriage and was awarded upon dissolution. During the marriage, the homestead increased in value due to several improvements on it. Similarly, the farm received improvements, adding to its value. Edward argues that he performed much of the labor for these improvements. While this may be true, the cost incurred for the improvements was paid from money belonging to the marriage. It would be inequitable to exclude one party from sharing significantly in that part of the property's value attributable to the improvements. Finally, there is evidence that Edward brought debt from the child support obligation and property settlement of a prior marriage to his marriage with Barbara. This indebtedness was paid off from Barbara and Edward's marital funds, thereby reducing the amount of money available for their marriage. Barbara should be given credit for that contribution in the current property division.

In light of the foregoing, we believe that the trial court's division of property was not inequitable. The assets and property awarded to Barbara are justly deserved and Edward's property award will allow him to maintain the standard of living enjoyed during the marriage.

Edward also contends that the court erred in awarding rehabilitative alimony. The trial court awarded Barbara $750 per month for three years. The principles governing the award of alimony are found in section 598.21(3) of the Iowa Code (1985). The Iowa Supreme Court has recognized that under certain circumstances, rehabilitative alimony is the appropriate form of support payment. See In re Marriage of Bevers, 326 N.W.2d 896, 900 (Iowa 1982). We believe these circumstances exist in the present case. Barbara is fifty-six years old, has only a high school education, no specialized training, and limited employment skills. Although she has worked part time during the marriage, she has not been actively involved full time in the job market. Given these circumstances, Barbara is in need of alimony to sufficiently support her while she obtains the training or skills necessary to support herself. She is also entitled to support in order that she may continue living in a manner comparable to her marriage. See In re Marriage of Hayne, 334 N.W.2d 347, 351 (Iowa App. 1983). During their twelve-year marriage, Edward and Barbara enjoyed a comfortable standard of living. Thus, we hold that the trial court's award of alimony was justified and proper.

Finally, Barbara requests an award of attorney fees and costs incurred in this appeal. Factors to consider when determining whether appellate attorney fees are appropriate include the parties' abilities to pay and the fact that the party requesting the award was obligated to defend the trial court's decision. In re Marriage of Stom, 226 N.W.2d 797, 800 (Iowa 1975). In determining the amount of the award, we consider the complexity of the case and the extent

of the work performed by the attorney. Having reviewed the petitioner's affidavit detailing the work performed and costs incurred on this appeal, we conclude that the petitioner shall be allowed the sum of $1,000 toward her attorney fees and costs in connection with this appeal.

AFFIRMED.