IN THE COURT OF APPEALS OF IOWA

No. 8-376 / 97-2064

IN RE THE MARRIAGE OF JAMES R. RYAN AND PATRICIA ANN RYAN

Upon the Petition of JAMES R. RYAN,

Petitioner-Appellant,

And Concerning PATRICIA ANN RYAN,

Respondent-Appellee.

FILED
OCT 29 1998
CLERK SUPREME COURT

Appeal from the Iowa District Court for Polk County, Gene L. Needles, Judge.

Petitioner appeals the alimony provisions of the parties' dissolution decree.

AFFIRMED.

Susan L. Ekstrom of Ekstrom & Burkey, Des Moines, for appellant.

Thomas J. McCann, Des Moines, for appellee.

Considered by Streit, P.J., and Vogel and Mahan, JJ.

MAHAN, J.

Petitioner James Ryan appeals the alimony provisions of the parties' dissolution decree. Petitioner contends the district court erred in awarding respondent traditional alimony of $500 per month. We affirm.

James and Patricia Ryan were married in 1962. They have two children who are adults and not subject to the present appeal. Patricia stayed home for several years following the marriage in order to care for the children. This allowed James to complete his education. James obtained his bachelor's degree in 1971. The family then moved to Kentucky to allow James to attend a seminary full-time. James also began work as a student pastor.

In 1974, the family moved to Des Moines where James accepted an associate pastor's position. Patricia completed her undergraduate education in 1982. She attended seminary, completing her training in 1985. James received his doctorate in 1991. He currently is director of Ecumenical Ministries of Iowa and earns $54,800 per year. Patricia is a part-time pastor at the Runnells Christian Church and also works part-time as a chaplain for a hospice. Between the two jobs, Patricia earns $36,000 per year.

James filed for dissolution of marriage in 1997. Following trial, the district court entered its decree, dividing the marital assets equally and ordering James to pay Patricia monthly alimony of $500 until either party dies or Patricia remarries. James appeals only the alimony provisions of the decree.

Our review is de novo. Iowa R. App. P. 4. We consider property division and alimony together in evaluating their individual sufficiency. *In re Marriage of Dahl*, 418 N.W.2d 358, 359 (Iowa App. 1987); *In re Marriage of Griffin*, 356 N.W.2d 606, 608 (Iowa App. 1984). Alimony is not an absolute right; an award depends upon the circumstances of each particular case. *In re Marriage of Fleener*, 247 N.W.2d 219, 220 (Iowa 1976). The discretionary award of alimony is made after considering those factors listed in Iowa Code section 598.21(3). *In re Marriage of Whelchel*, 476 N.W.2d 104, 110 (Iowa App. 1991); *see In re Marriage of Hayne*, 334 N.W.2d 347, 350 (Iowa App. 1983).

James contends the district court erred in awarding Patricia traditional alimony of $500 per month. We disagree. Alimony is an allowance to the former spouse in lieu of a legal obligation to support that person. *See In re Marriage of Hitchcock*, 309 N.W.2d 432, 437 (Iowa 1981). James contends there is only a $12,500 per year difference in income between the two. We find the difference in earnings to be over $18,000. Even assuming James were correct in calculating the income differential, annual alimony of $6000 would not be inequitable. *In re Marriage of Kurtt*, 561 N.W.2d 385, 388 (Iowa App. 1997).

James also contends it is inequitable to require him to continue to pay alimony after his retirement because the district court equally divided the parties' retirement accounts and real estate. He requests the alimony award be reduced in the length of time and amount and that it terminate upon his retirement. We disagree. This was

a thirty-five-year marriage. Given the length of the marriage, the ages, earning capacities, and needs of the parties, and the trial court's division of marital assets, we find the alimony award equitable and affirm the alimony provisions of the dissolution decree. Iowa Code § 598.21(3); *see Hayne*, 334 N.W.2d at 350.

AFFIRMED.