IN THE COURT OF APPEALS OF IOWA

No. 3-1066 / 13-0435
Filed December 5, 2013

IN RE THE MARRIAGE OF MATT J. STEDDOM AND VICTORIAE STEDDOM

Upon the Petition of
MATT J. STEDDOM,
Petitioner-Appellant,

And Concerning
VICTORIAE STEDDOM,
Respondent-Appellee.

Appeal from the Iowa District Court for Marshall County, Dale E. Ruigh, Judge.

Matt Steddom appeals from the award of traditional alimony to his former spouse. **AFFIRMED.**

Barry Kaplan of Kaplan & Freese, L.L.P., Marshalltown, for appellant.

Kevin O'Hare of Peglow, O'Hare & See, P.L.C., Marshalltown, for appellee.

Considered by Vogel, P.J., and Mullins and McDonald, JJ.

McDONALD, J.

In this dissolution of marriage proceeding, Matt Steddom appeals the district court's award of spousal support in the form of traditional alimony to his former spouse, Victoriae Steddom.

I.

Matt and Victoriae married in 1988. In August 2011, after approximately twenty-three years of marriage, Matt filed his petition for dissolution of marriage. Victoriae requested both a property settlement and an award of permanent spousal support in the amount of $2500 per month. Matt proposed a property settlement in lieu of spousal support. As relevant here, he requested that Victoriae be awarded the parties' marital home, valued at $65,900, and that he be required to pay approximately $60,000 in debt secured by two mortgages on the marital home. The district court awarded the marital home to Victoriae, but the court ordered that she be responsible for all but $8000 of the debt secured by the mortgages on the home. The district court also awarded Victoriae spousal support in the form of traditional alimony in the amount of $1900 per month. On appeal, Matt contends that the district court erred in rejecting his proposed property settlement in lieu of spousal support. To the extent that the award was proper, he contends, the amount of alimony ordered was excessive.

II.

We review dissolution of marriage proceedings de novo. *See* Iowa R. App. P. 6.907; *In re Marriage of McDermott*, 827 N.W.2d 671, 676 (Iowa 2013). Accordingly, we examine the entire record and decide anew the issues properly preserved and presented for appellate review. *See McDermott*, 827 N.W.2d at

676. While we give weight to the findings of the district court, those findings are not binding. *See* Iowa R. App. P. 6.904(3)(g); *McDermott*, 827 N.W.2d at 676. We afford the trial court considerable latitude in determining spousal support awards. *See In re Marriage of Benson*, 545 N.W.2d 252, 257 (Iowa 1996). We will disturb the district court's ruling only where there has been a failure to do equity. *Id.*

Property rights and spousal support may, to some extent, be intertwined and considered together, but they are distinguishable concepts with differing purposes. *See In re Marriage of Murray*, 213 N.W.2d 657, 659 (Iowa 1973); *see also* Iowa Code 598.21A(1)(c) (2011) (providing that the court shall consider the disposition of marital property in determining spousal support). The division of marital property is based on the parties' respective rights to a just and equitable share of the property accumulated during the course of the marriage. *See Knipfer v. Knipfer*, 144 N.W.2d 140, 143 (1966). Spousal support is a stipend paid to a former spouse in lieu of the other spouse's legal obligation to provide financial assistance. *See In re Marriage of Anliker*, 694 N.W.2d 535, 540 (Iowa 2005).

A spouse does not enjoy an absolute right to spousal support after dissolution of the marriage. *See* Iowa Code 598.21A(1) (providing that "the court *may* grant an order requiring support payments to either party . . . ." (emphasis added)); *Anliker*, 694 N.W.2d at 540. In making the determination both to require support and the amount of such support, the court should consider the equities of the situation. Relevant factors include, but are not limited to, the following: (1) the length of the marriage; (2) the age and physical and emotional health of

the parties; (3) the distribution of property; (4) the parties' education levels; (5) the earning capacity of the party seeking spousal support; (6) the feasibility of the party seeking spousal support becoming self-supporting at a standard of living reasonably compared to that enjoyed during the marriage; and (7) the tax consequences to each party. *See* Iowa Code § 598.21A(1). In considering these statutory factors, we recognize that the determination of both the need for spousal support and the amount of any such support cannot be reduced to a mathematical formula; the facts and circumstances of each case are too varied to be reduced to a table or grid. *See In re Marriage of Brown*, 776 N.W.2d 644, 647 (Iowa 2009) (stating that precedent is of little value because the decision to award support and the determination of the amount of such support is based on the unique facts and circumstances of each case). Instead, the court must seek to do equity by balancing the spouses' respective prospective needs and means viewed in the light of the standard of living they enjoyed while married. *See In re Marriage of Tzortzoudakis,* 507 N.W.2d 183, 186 (Iowa Ct. App. 1993) (stating that the parties' needs must be balanced); *In re Marriage of Hayne*, 334 N.W.2d 347, 351 (Iowa Ct. App. 1983) (stating that a party is entitled to receive support only in an amount sufficient to maintain the standard of living previously enjoyed without destroying the other party's right to enjoy a comparable standard of living).

After considering all relevant factors, we conclude that the district court's spousal support award to Victoriae in the amount of $1900 per month does equity between the parties. *See In re Marriage of Kurtt*, 561 N.W.2d 385, 388 (Iowa Ct. App. 1997) ("Traditional alimony analysis may be used in long-term

marriages where life patterns have largely been set and the earning potential of both spouses can be predicted with some reliability."). Matt is fifty-two years old and in good health. He has a college degree. He has maintained gainful employment with Alliant Energy for approximately twenty years, currently serving as a field engineer and earning about $81,000 annually plus bonus opportunity. In contrast, Victoriae is fifty-one years old and in poor health. She suffers from a variety of ailments and conditions, including rheumatoid arthritis, depression, anxiety, heart and respiratory conditions, and tooth deterioration caused by prescribed medications. She has not been employed for approximately fifteen years, and she has no reasonable prospects of obtaining or maintaining employment. Her only source of income is Social Security Disability benefits in the amount of $1070 per month. Victoriae also receives Medicaid benefits.

The district court carefully considered and rejected Matt's proposed division of marital property in lieu of spousal support. The district court found that both parties' standard of living will decline as a result of the dissolution of marriage. The district court also found, however, that because of her medical condition and inability to obtain employment, Victoriae's standard of living would sharply decline without continuing financial support from Matt. *See In re Marriage of Becker*, 756 N.W.2d 822, 826 (Iowa 2008) (stating that traditional spousal support is payable for life or so long as a spouse is incapable of self-support). Matt's proposed division of property failed to address this concern, the district court found, because Victoriae's need for support will continue past the time Matt satisfied the debts secured by the mortgages on the marital home. Even if Victoriae were to sell the marital home, any equity in the property is

insufficient to maintain even her basic needs for shelter, food, clothing, and medicine for any substantial period of time. She would be substantially worse off under Matt's proposed division of property in lieu of support. While we understand and appreciate Matt's concern that Victoriae may not use her spousal support payments to pay the indebtedness, that concern—whether founded or not—is outweighed by the more immediate and concrete concerns regarding Victoriae's financial needs.

III.

Victoriae requests that Matt pay all appellate court costs and her appellate attorney fees. "All appellate fees and costs shall be taxed to the unsuccessful party, unless otherwise ordered by the appropriate appellate court." Iowa R. App. P. 6.1207. We conclude that all court costs shall be taxed to Matt. *See Lewis Elec. Co. v. Miller*, 791 N.W.2d 691, 696-97 (Iowa 2010) (stating that it was an "abuse of discretion to divide costs equally between the parties when one party was fully successful on appeal"). An award of attorney fees is not a matter of right, but rests within the court's discretion and the parties' financial positions. *See In re Marriage of Berning*, 745 N.W.2d 90, 94 (Iowa Ct. App. 2007) (stating an award of appellate attorney fees is based upon the needs of the party seeking the award, the ability of the other party to pay, and the relative merits of the appeal); *In re Marriage of Giles*, 338 N.W.2d 544, 546 (Iowa Ct. App. 1983). Given that the parties' means are relatively equal due to the division of property and the award of spousal support, we conclude that the parties shall be responsible for their respective appellate attorney fees and costs.

AFFIRMED.