

**IN THE COURT OF APPEALS OF IOWA**

No. 2-852 / 12-0631  
Filed November 15, 2012

**IN RE THE MARRIAGE OF APRIL PATRICE  
PEARSON-WILLIAMS AND MATTHEW  
HELMICK WILLIAMS**

**Upon the Petition of**

**APRIL PATRICE PEARSON-WILLIAMS,**  
Petitioner-Appellee/Cross-Appellant,

**And Concerning**

**MATTHEW HELMICK WILLIAMS,**  
Respondent-Appellant/Cross-Appellee.

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Appeal from the Iowa District Court for Polk County, J.D. Stovall, Judge.

Matthew Williams appeals, and April Pearson-Williams cross-appeals, from the spousal support provision of the supplemental decree of dissolution of their marriage. **AFFIRMED.**

Max Burkey, Des Moines, for appellant.

Megan R. Rosenberg of Hobson, Cady & Cady, Hampton, for appellee.

Considered by Vaitheswaran, P.J., and Potterfield and Bower, JJ.

**BOWER, J.**

Matthew Williams appeals, and April Pearson-Williams cross-appeals, from the spousal support provision of the supplemental decree of dissolution of their marriage. Upon our review, we affirm the order of the district court.

**I. Background Facts and Proceedings.**

Matt and April met and began dating in 2003. Matt was a college graduate and April was a student at Iowa State University. In 2005, April graduated with a degree in advertising, and the parties moved to Las Vegas, Nevada, where April had an internship and then began working at Nevada Public Radio. Matt, who had been doing miscellaneous jobs with periods of unemployment since graduating college, decided to apply for medical school. April encouraged him to apply and assisted him with some of the writing required for the applications. Matt was admitted to Des Moines University in 2006, and he and April moved to Des Moines. April began working for Integer Group where she made \$30,000 to \$35,000 per year. Matt and April were married in April 2007.

In November 2007, April discovered Matt had a five-year-old child, Carter, and that Matt had been using money from their joint checking account to pay child support to Carter's mother. April was initially upset, but went to mediation with Carter's mother, where everyone agreed Matt and April would increase Matt's monthly child support obligation and assist with various other expenses for Carter when they could. Matt and April spent time with Carter pursuant to the visitation agreement with Carter's mother.

Matt and April had a daughter, Zoey, in January 2009. April took three months maternity leave. Also, about this time, Matt was put on academic probation for failing to turn in required reports. April, who had been handling the majority of household tasks and childcare, took on an even greater percentage of these duties so Matt could keep up with his work and stay on track to graduate. In May 2009, shortly after she returned to work from maternity leave, April was laid off from her job at Integer Group. April was unemployed until February 2010, when she began working as a copywriter for Two Rivers Marketing, where April is currently employed and earns \$45,000 per year.

Matt graduated from medical school in May 2010, but did not have a residency lined up because he had failed to timely apply during his final year of school. Matt stayed home to care for Zoey while he waited until he could apply the following year.

During the winter of 2010-2011, April provided significant and critical help to Matt with his residency applications, while she continued to work full-time. April also continued to perform the majority of cleaning, cooking, and childcare. Matt received a residency offer in Des Moines. However, in April 2011, April learned Matt had failed to turn in the necessary paperwork for his residency license which jeopardized his offer, as a result she helped him to gather and timely submit the required documents.

The parties separated in May 2011. April filed a petition for dissolution of marriage in June 2011. A December 2011 decree of dissolution of marriage set forth the terms which had been agreed to by the parties, including joint legal

custody of Zoey with April having physical care and Matt paying \$600 per month in child support. The stipulated property division included April receiving the parties' marital home and a vehicle, with the respective indebtedness on each. Matt assumed sole obligation for his student loan debt, which totaled approximately \$189,000.

In January 2012, the issue of spousal support came before the court at trial. Matt proposed an award of \$25,000; April proposed an award of \$204,801. Following the trial, the district court entered a supplemental decree ordering Matt to pay \$130,000 to April in reimbursement spousal support (\$1000 per month x 130 months). Matt now appeals, and April cross-appeals, from the spousal support provision entered by the district court.

## **II. Scope and Standard of Review.**

Our review in equity cases is de novo. Iowa R. App. P. 6.907. We are not bound by the trial court's findings of facts, but we give them deference, especially when considering the credibility of the witnesses. *In re Marriage of Probasco*, 676 N.W.2d 179, 183 (Iowa 2004); see also Iowa R. App. P. 6.904(3)(g). An award of spousal support is not an absolute right, but depends on the particular circumstances of each case. *In re Marriage of Spiegel*, 553 N.W.2d 309, 319 (Iowa 1996). Although we review the trial court's award of spousal support de novo, we give the court "considerable latitude in making this determination based on the criteria" specified in Iowa Code section 598.21A(1) (2011). *In re Marriage of Anliker*, 694 N.W.2d 535, 540 (Iowa 2005). We will disturb the trial court's discretionary determination only when there has been a failure to do equity. *Id.*

### III. Discussion.

Spousal support “is a stipend to a spouse in lieu of the other spouse’s legal obligation for support.” *In re Marriage of Francis*, 442 N.W.2d 59, 62 (Iowa 1989). It “has traditionally taken the place of support that would have been provided had the marriage continued.” *Probasco*, 676 N.W.2d at 185. Pursuant to Iowa Code sections 598.21(5)(h) and 598.21A(1)(c), the court may consider the property division in connection with a request for spousal support.<sup>1</sup> *Id.*

Reimbursement spousal support, in particular, is based upon economic sacrifices made by one spouse during the marriage that directly enhance the future earning capacity of the other. *Francis*, 442 N.W.2d at 64; *In re Marriage of Farrell*, 481 N.W.2d 528, 530 (Iowa Ct. App. 1991). Reimbursement support is appropriate following “marriages of short duration which are devoted almost entirely to the educational advancement of one spouse and yield the accumulation of few tangible assets.” *Francis*, 442 N.W.2d at 62. An award of reimbursement support should be based upon the future earning capacities of the parties. *Id.* at 64. In determining future earning capacity, a court may consider the education, skill, or talent of the parties. *In re Marriage of Horstmann*, 263 N.W.2d 885, 891 (Iowa 1978).

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<sup>1</sup> In addition to the property division, a court may consider: (1) the length of the marriage, (2) the age and health of the parties, (3) the educational level of the parties, (4) the earning capacity of the party seeking support, (5) the feasibility of the party seeking support becoming self-supporting, (6) the tax consequences, (7) any mutual agreements made by the parties, (8) any antenuptial agreement, and (9) other factors the court deems relevant. Iowa Code § 598.21A(1).

In this case, the district court concluded April is entitled to reimbursement spousal support in the amount of \$130,000, to be paid \$1000 per month over a period of 130 months. Matt argues this amount of reimbursement support is “excessive” and contends “the period of commencement for repayment should have been delayed until [he] finished his three year residency.” Matt alleges the award should be reduced to \$25,000, to be paid \$500 per month beginning after he completes his residency. April contends the award should be increased to \$204,801, and should not be delayed until Matt finishes his residency.<sup>2</sup>

Taking into account all factors to be considered and upon consideration of the arguments raised by the parties on appeal and cross-appeal, we find the court’s award to be equitable under the facts of this case. We agree with the court’s observation that this amount of reimbursement support “will adequately compensate April for her contributions to Matt’s earning potential,” while taking into account any uncertainty regarding Matt’s future income, April’s demonstrated ability to succeed professionally, and Matt’s obligation to repay a high amount of student loan debt. We further find it is equitable for the award to begin prior to Matt’s completion of his three-year residency. We affirm the award of

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<sup>2</sup> Specifically, April argues the court erred “in deviating from the capital-to-labor ratio formula” in calculating the appropriate amount of reimbursement support. According to April, under this formula, the court should “take the anticipated future earnings of the spouse who had attained the higher degree and subtract the amount of earning that spouse would have attained but for the degree,” and find the supporting spouse “is then entitled to one-half of 30%” of that amount. In reaching her proposed spousal support award of \$204,801, April relied on the numbers regarding Matt’s future earning capacity presented by her expert witness. However, the district court acknowledged “there was disagreement at trial between the parties’ respective experts regarding Matt’s future earning capacity.” The court considered all the evidence and testimony presented at trial in reaching its award. We find the court’s award to be equitable.

reimbursement support ordered by the district court. Costs on appeal are taxed one half to each party.

**AFFIRMED.**