

**IN THE COURT OF APPEALS OF IOWA**

No. 6-353 / 05-1764  
Filed August 9, 2006

**IN RE THE MARRIAGE OF  
ANTHONY DUANE CARLSON AND  
RITA ANN CARLSON,**

**Upon the Petition of**

**ANTHONY DUANE CARLSON,**  
Petitioner-Appellant,

**And Concerning**

**RITA ANN CARLSON,**  
Respondent-Appellee.

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Appeal from the Iowa District Court for Hancock County, John S. Mackey,  
Judge.

Anthony Duane Carlson appeals the district court's award of alimony to  
Rita Ann Carlson. **AFFIRMED.**

James A. Wetterling, Garner, for appellant.

Joseph Straub, Algona, for appellee.

Considered by Vogel, P.J., and Zimmer and Vaitheswaran, JJ.

**VAITHESWARAN, J.**

Anthony and Rita Ann Carlson married in 1979 and divorced in 2005. The dissolution decree provided that Rita would receive alimony of \$1200 for the first twenty-six months, \$750 for the next twenty-two months, and \$500 per month thereafter until Rita reaches age sixty-five.

Anthony appeals this portion of the decree. He argues that the district court should have reallocated the property settlement in lieu of awarding alimony or, in the alternative, should have only awarded rehabilitative alimony and not traditional alimony. Although our review of an alimony award is de novo, we give the district court considerable latitude in making this determination. *In re Marriage of Anliker*, 694 N.W.2d 535, 540 (Iowa 2005). We will disturb that determination only when there has been a failure to do equity. *Id.*

Several statutory factors support the district court's alimony award. Iowa Code § 598.21(3) (2005). The parties were married for twenty-six years. *See id.* § (3)(a). Around the time of trial, Rita's earnings were less than half of Anthony's; she made \$1,244.54 per month relative to Anthony's gross wages of \$3,204.37 per month. *See id.* § (3)(e). Rita also had a limited work history. *See id.* Early in the marriage, she worked part-time for a newspaper. She later spent eight years without wages while she cared full-time for the parties' three children. *See id.* In 1993, she began working for the school system on a part-time basis. She only had a full-time position with the school for five years preceding the divorce. Although she took some post-high school courses at a business college, the education was dated. *See id.*

We recognize that Rita was only forty-five years old at the time of trial and could look forward to several years of employment. See *id.* § (3)(b). We also recognize that, while her emotional health deteriorated at the time of the parties' separation, her depression was being managed with medication and did not prevent her from working full-time. See *id.* We conclude these factors do not militate against an alimony award in light of the length of the marriage and the disparity in earnings. See *In re Marriage of Weinberger*, 507 N.W.2d 733, 735 (Iowa Ct. App. 1993).

We turn to the district court's property division. Iowa Code § (3)(c); *In re Marriage of Trickey*, 589 N.W.2d 753, 756 (Iowa Ct. App. 1998) (stating property division and alimony should be considered together in evaluating their individual sufficiency). Anthony contends the district court should have reconfigured the property settlement in lieu of awarding any alimony.

The district court initially awarded Anthony property valued at \$59,978.87, and Rita property valued at \$60,433.86. In response to Anthony's motion for enlarged findings and conclusions, the court redistributed the property to account for a motorcycle debt of \$16,056.75. The court also shifted responsibility for a remodeling loan of \$9,468.12 from Anthony to Rita. This resulted in a property settlement to Anthony of \$53,390.24 and a property settlement to Rita of \$50,965.74. Under Anthony's proposed distribution, submitted to the district court and reasserted on appeal, the property would be revalued, and he would receive \$40,074.24 of the revalued equity while Rita would receive \$113,627.46.

This distribution scheme would include a \$28,150 property payment by Anthony to Rita.

We conclude the district court did not fail to do equity by declining to adopt Anthony's proposal. First, the court's valuations were within the range of evidence. *In re Marriage of Hoak*, 364 N.W.2d 185, 192-93 (Iowa 1985). The court accepted Rita's valuation of the parties' Ford pickup at \$14,500; Anthony's official used car guide valuation of a Chrysler New Yorker at \$3900; Rita's valuation of the wedding rings at \$2282; Rita's valuation of the household goods at \$1500; and Rita's valuation of her checking account at \$30. We see no reason to disturb these values.

Second, we agree with the district court that the other cited factors, in particular the length of the marriage and the earnings disparity, support an award of alimony in addition to the property division. *Cf. Weinberger*, 507 N.W.2d at 735 (stating in marriages of long duration where the earning disparity between the parties is great, both spousal support and nearly equal property division may be appropriate).

We turn to the amount and duration of the alimony award. Anthony suggests this is not a case for an award of traditional alimony because Rita is not "incapable of self-support." *Anliker*, 694 N.W.2d at 540-41 (quoting *In re Marriage of Francis*, 442 N.W.2d 59, 64 (Iowa 1989) (stating traditional alimony is "payable for life or so long as a spouse is incapable of self-support")). While Rita potentially has two decades of employment ahead of her, she was out of the workforce for a significant period and, when she re-entered the workforce, she

did not have skills that allowed her to be self-supporting. For this reason, we conclude the amount and duration of the district court's award was equitable.

We affirm all aspects of the district court's alimony award. To the extent Anthony also asks us to modify the property distribution, we decline to do so.

**AFFIRMED.**