

IN THE COURT OF APPEALS OF IOWA

No. 9-961 / 09-0027
Filed January 22, 2010

IN RE THE MARRIAGE OF RONALD RAYMOND HEIM AND SUSAN YVONNE HARLE-HEIM

**Upon the Petition of
RONALD R. HEIM,**
Petitioner-Appellant/Cross-Appellee,

**And Concerning
SUSAN YVONNE HARLE-HEIM,**
Respondent-Appellee/Cross-Appellant.

Appeal from the Iowa District Court for Dubuque County, Monica L. Ackley, Judge.

Husband appeals the economic provisions of the dissolution decree and wife cross-appeals the alimony award. **AFFIRMED AS MODIFIED.**

David A. Lemanski, Dubuque, for appellant.

Robert L. Day Jr. of Day & Hellmer, P.C., Dubuque, for appellee.

Considered by Eisenhauer, P.J., and Potterfield, J., and Mahan, S.J.*

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2009).

EISENHAUER, P.J.

Ron Heim appeals the economic provisions of the decree dissolving his marriage to Susan Harle-Heim. Susan cross-appeals the alimony awarded. We affirm as modified.

On October 24, 2008, following a two-day trial, the district court entered a detailed and well-reasoned decree dissolving the parties' marriage. On October 27, 2008, the court ordered the decree and the exhibits sealed. Susan moved to enlarge/amend the decree pursuant to Iowa R. Civ. P. 1.904(2) (2009). The district court ruled on the motion in December 2008. The court's December ruling modified its individual retirement account (IRA) award to use a qualified domestic relations order (QDRO) valued "as of the date of the entry of the Order of Dissolution of Marriage." The court also ordered four additional financial documents sealed.

Ron appeals seeking what he perceives to be a more equitable distribution of the assets, along with increased spousal support, trial attorney fees, and appellate attorney fees. Susan cross-appeals contending the spousal support she is ordered to pay is excessive.

As an equitable action, we review dissolution proceedings de novo. Iowa R. App. P. 6.907. However, we recognize "deference to the trial court's determination is decidedly in the public interest." *In re Marriage of Benson*, 545 N.W.2d 252, 257 (Iowa 1996). "When appellate courts unduly refine these important, but often conjectural, judgment calls, they thereby foster appeals in

hosts of cases, at staggering expense to the parties wholly disproportionate to any benefit they might hope to realize.” *Id.*

On our de novo review, we find no inequity with the economic provisions of the decree and will not disturb them on appeal. See *In re Marriage of Vieth*, 591 N.W.2d 639, 641 (Iowa Ct. App. 1999) (holding “we give strong deference to the trial court which, after sorting through the economic details of the parties, made a fair division supported by the record”). The court specifically found Ron’s “contribution, although minor, was probably present.” The fact the district court misstated, by a minor amount, the purchase prices for Susan’s current and immediately prior residence does not convince us the trial court’s disposition of the parties’ property should be modified. See *In re Marriage of Rhinehart*, 704 N.W.2d 677, 684 (Iowa 2005). We do, however, modify the QDRO to award twenty percent of the IRA’s value “as of the date of trial.” See *In re Marriage of Keener*, 728 N.W.2d 188, 193 (Iowa 2007).

In conjunction with the property division, we find the award of spousal support was appropriate. See Iowa Code § 598.21A (Supp. 2005). We agree with the court’s conclusion Ron “has taken no personal responsibility for his needs over the years but has remained dependent on Susan. . . . [T]he court is left with no option other than to provide for some future financial assistance from Susan.”

We further find no abuse of discretion in the court’s decision to have each party pay his/her own trial attorney fees. See *In re Marriage of Wessels*, 542 N.W.2d 486, 491 (Iowa 1995) (holding an award of trial attorney fees rests in the

sound discretion of the trial court). We decline to award appellate attorney fees. See *In re Marriage of Kurtt*, 561 N.W.2d 385, 389 (Iowa Ct. App. 1997). Costs of this appeal are taxed one-half to each party.

AFFIRMED AS MODIFIED.