

SUPREME COURT OF IOWA

In re Marriage of Julianne R. Schenkelberg and Gary W. Schenkelberg

In re Marriage of Schenkelberg, 824 N.W.2d 481 (Iowa 2012) · No. No. 10–1919 · Decided October 26, 2012

SUMMARY

The Iowa Supreme Court reviewed issues arising from the dissolution of Julianne and Gary Schenkelberg’s marriage, including spousal support and expert fees. The court upheld the premarital agreement and property distribution, but modified the decree to award Julianne \$7,000 per month in lifetime spousal support and an additional \$17,050 in attorney fees for expert services.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Wiggins, Justice
JURISDICTION	Iowa
DECIDED	October 26, 2012
DOCKET	No. 10–1919
DISPOSITION	other
PROCEDURAL POSTURE	Julianne Schenkelberg sought further review of an Iowa Court of Appeals decision affirming a dissolution decree entered by the Iowa District Court for Carroll County. The Supreme Court of Iowa exercised discretionary further-review jurisdiction only over the spousal-support award and expert fees.
STANDARD OF REVIEW	Dissolution appeals are equitable proceedings reviewed de novo, with weight given to the district court’s factual determinations but without those findings being binding. An award of attorney fees, including expert fees, is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Iowa Supreme Court opinion; precedential.
PARTIES	Julianne R. Schenkelberg v. Gary W. Schenkelberg

TOPICS

- spousal support
- dissolution of marriage
- equitable distribution
- appellate procedure
- remedies

PRACTICE AREAS

family law

dissolution of marriage

spousal support

appellate procedure

remedies

QUESTIONS PRESENTED

1. Whether the premarital agreement was valid.
2. Whether the property distribution under the premarital agreement was equitable.
3. Whether the spousal-support award was inadequate in light of the parties' circumstances and Iowa Code section 598.21A(1).
4. Whether Julianne was entitled to reimbursement for \$17,050 in expert fees incurred by her attorney in preparing for trial.

HOLDINGS

1. The Supreme Court of Iowa exercised its discretion to review only the spousal-support and expert-fee issues; the court of appeals' affirmance of the rulings on the premarital agreement and property distribution stood as the final decision.
2. The district court's award of spousal support failed to do equity; Julianne was entitled to traditional spousal support of \$7,000 per month until her death or remarriage.
3. The district court abused its discretion by denying reimbursement for the \$17,050 in expert-accounting fees, and the award of attorney fees was modified to include that amount.

KEY QUOTATIONS

“Consequently, under the circumstances of this case, we find Julianne is entitled to traditional spousal support, which is “payable for life or so long as a spouse is incapable of self-support.”” (at 11)

“Accordingly, we find the district court decision in this regard is clearly untenable and unreasonable.” (at 12)

“DECISION OF COURT OF APPEALS AFFIRMED IN PART AND VACATED IN PART; DISTRICT COURT JUDGMENT AFFIRMED AS MODIFIED.” (at 13)

FACTUAL BACKGROUND

Julianne and Gary Schenkelberg married in 1994 after both had been previously married and entered into a premarital agreement before their marriage. Julianne had little to no income, while Gary's reported wages and other income, together with distributions from his subchapter-S corporation, showed that his actual average income for 2005 through 2009 exceeded \$400,000 annually. The district court awarded Gary substantially more property under the premarital agreement and awarded Julianne limited-duration spousal support, but Julianne received no significant income-producing assets and had only a \$1,328 retirement account. Julianne's attorney incurred \$17,050 in expert-accounting fees to analyze the corporation, shareholder transactions, and tax consequences of possible support awards.

PROCEDURAL HISTORY

The district court upheld the parties' premarital agreement, distributed property pursuant to that agreement, awarded Julianne spousal support of \$5,000 per month until age sixty-two and \$2,000 per month thereafter until age seventy, and denied reimbursement for expert fees. The court of appeals affirmed on all issues and denied appellate attorney fees. The Iowa Supreme Court granted further review, left the premarital-agreement and property-distribution rulings as the final decision, and modified the spousal-support and expert-fee rulings.

DISPOSITION

other

CASES CITED

- In re Marriage of Becker, 756 N.W.2d 822, 824 (Iowa 2008)
- Hills Bank & Trust Co. v. Converse, 772 N.W.2d 764, 770 (Iowa 2009)
- In re Marriage of Morris, 810 N.W.2d 880, 885 (Iowa 2012)
- In re Marriage of Brown, 776 N.W.2d 644, 647 (Iowa 2009)
- In re Marriage of Maher, 596 N.W.2d 561, 568 (Iowa 1999)
- In re Marriage of Muelhaupt, 439 N.W.2d 656, 662–63 (Iowa 1989)
- State v. Nelson, 791 N.W.2d 414, 419 (Iowa 2010)
- Graber v. City of Ankeny, 616 N.W.2d 633, 638 (Iowa 2000)
- In re Marriage of Olson, 705 N.W.2d 312, 315 (Iowa 2005)
- In re Marriage of Spiegel, 553 N.W.2d 309, 319 (Iowa 1996)
- Fenchel v. Fenchel, 268 N.W.2d 207, 210 (Iowa 1978)
- In re Marriage of Hansen, 733 N.W.2d 683, 704 (Iowa 2007)
- Tydings v. Tydings, 567 A.2d 886, 891 (D.C. 1989)
- Stansberry v. Stansberry, 580 P.2d 147, 150 (Okla. 1978)