

SUPREME COURT OF IOWA

In re Marriage of Steven Michael Gust and Linda Leann Gust

858 N.W.2d 402 (Iowa 2015) · No. No. 13–0356 · Decided January 16, 2015

SUMMARY

The Iowa Supreme Court affirmed an indefinite traditional spousal-support award requiring Steven Gust to pay \$1,400 per month, increasing to \$2,000 per month after child support ended. The court reviewed Iowa’s statutory factors governing spousal support, including marriage duration, earning capacity, need, ability to pay, property division, and the feasibility of self-support. The court limited further review to spousal support and affirmed the remaining rulings concerning property division and attorney fees.

CASE DETAILS

COURT	Supreme Court of Iowa
WRITING FOR THE COURT	Justice Appel; Justice Mansfield; Justice Waterman; Justice Wiggins
JURISDICTION	Iowa
DECIDED	January 16, 2015
DOCKET	No. 13–0356
DISPOSITION	affirmed
PROCEDURAL POSTURE	Steven Gust appealed the Iowa District Court's dissolution decree awarding Linda Gust traditional spousal support for life. Linda cross-appealed the property division and denial of attorney fees. The Iowa Court of Appeals affirmed, and the Iowa Supreme Court granted further review, limiting its review to the spousal-support issues.
STANDARD OF REVIEW	Dissolution cases are equitable proceedings reviewed de novo. The Supreme Court gives weight to the district court's factual determinations but does not treat them as binding, and it affords the district court considerable latitude in spousal-support matters, disturbing the award only upon a failure to do equity.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Steven Michael Gust v. Linda Leann Gust

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the award of traditional spousal support of \$1,400 per month while child support was payable and \$2,000 per month thereafter was equitable under Iowa Code section 598.21A(1).
2. Whether the district court should have limited or reduced the initial spousal-support award based on Steven's prospective retirement.
3. Whether the court of appeals and district court rulings on the other issues raised by the parties should be affirmed.

HOLDINGS

1. The award of \$1,400 per month while child support was payable and \$2,000 per month thereafter for life was equitable under Iowa's multifactor statutory framework.
2. Prospective retirement ordinarily presents too many speculative issues to be resolved in the initial spousal-support award; its effect must be addressed in a later modification action when retirement is imminent or has occurred.
3. The district court's rulings on the property division, dissipation-of-assets claim, and attorney-fee issues, as affirmed by the court of appeals, remain affirmed because further review was limited to spousal support.

KEY QUOTATIONS

“We held that the question of whether the payor spouse’s obligation should terminate at his retirement “will depend on the circumstances of the parties prevailing at that time.”” (at 412–413)

“The most consistent approach with the statutory scheme is that unless all of the factors in Iowa Code section 598.21C(1) can be presently assessed, future retirement is a question that can be raised only in a modification action subsequent to the initial spousal support order.” (at 417–418)

“we conclude the question of whether Steven’s spousal support should be modified upon his retirement must be made in a modification action when retirement is imminent or has actually occurred.” (at 418)

FACTUAL BACKGROUND

Steven and Linda Gust were married in 1985 and had a marriage of nearly twenty-seven years. Steven had an earning capacity of approximately \$92,000 annually, while Linda, who had spent many years as a homemaker and was working two part-time jobs, had an earning capacity of approximately \$22,500. The parties' assets were divided roughly equally, but Linda could not reasonably become self-supporting at a standard of living comparable to that enjoyed during the marriage. The district court awarded traditional spousal support of \$1,400 per month while child support was payable and \$2,000 per month thereafter for life.

PROCEDURAL HISTORY

After a dissolution trial, the Iowa District Court ordered Steven to pay \$1,400 per month in spousal support while child support remained payable and \$2,000 per month thereafter for life. Steven appealed the amount and duration, and Linda cross-appealed the property division and attorney-fee ruling. The court of appeals affirmed the district court. On further review, the Supreme Court of Iowa affirmed, holding that the amount and indefinite duration were equitable and that the prospective effect of Steven's retirement had to be addressed, if necessary, in a later modification action.

DISPOSITION

affirmed

CASES CITED

- In re Marriage of Schenkelberg, 824 N.W.2d 481 (Iowa 2012)
- In re Marriage of Olson, 705 N.W.2d 312 (Iowa 2005)
- In re Marriage of Spiegel, 553 N.W.2d 309 (Iowa 1996)
- In re Marriage of Benson, 545 N.W.2d 252 (Iowa 1996)
- Schantz v. Schantz, 163 N.W.2d 398 (Iowa 1968)
- In re Marriage of Williams, 199 N.W.2d 339 (Iowa 1972)
- In re Marriage of Becker, 756 N.W.2d 822 (Iowa 2008)
- In re Marriage of Francis, 442 N.W.2d 59 (Iowa 1989)
- In re Marriage of Michael, 839 N.W.2d 630 (Iowa 2013)
- In re Marriage of Geil, 509 N.W.2d 738 (Iowa 1993)
- In re Marriage of Hitchcock, 309 N.W.2d 432 (Iowa 1981)
- In re Marriage of Wegner, 434 N.W.2d 397 (Iowa 1988)
- In re Marriage of Wendell, 581 N.W.2d 197 (Iowa Ct. App. 1998)
- In re Marriage of Locke, 246 N.W.2d 246 (Iowa 1976)
- In re Marriage of Maro, No. 04-1043, 2005 WL 427720 (Iowa Ct. App. Feb. 24, 2005)
- In re Marriage of Bell, 576 N.W.2d 618 (Iowa Ct. App. 1998)
- In re Marriage of McCurnin, 681 N.W.2d 322 (Iowa 2004)
- In re Marriage of Anliker, 694 N.W.2d 535 (Iowa 2005)
- Schroeder v. Schroeder, 924 S.W.2d 22 (Mo. Ct. App. 1996)
- Smith v. Smith, 419 A.2d 1035 (Me. 1980)
- Pierce v. Pierce, 916 N.E.2d 330 (Mass. 2009)
- Bogan v. Bogan, 60 S.W.3d 721 (Tenn. 2001)
- In re Marriage of Wilson, 63 P.3d 1244 (Or. Ct. App. 2003)

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