FILED
DEC 18 1985
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE MARRIAGE OF JEANNE ANN SCHNEPP AND STEWART RAY SCHNEPP

Upon the Petition of	)	279
JEANNE ANN SCHNEPP,	)	
Petitioner-Appellee,	)	Filed December 18, 1985
And Conerning	)	
STEWART RAY SCHNEPP,	)	5-526 84-1997
Respondent-Appellant.	)	

Appeal from the Iowa District Court for Jones County - Paul J. Kilburg, Judge.

Respondent appeals the district court's division of assets in the decree of dissolution. **AFFIRMED.**

Mark H. Rettig of Hines, Pence, Day & Powers, Cedar Rapids, Iowa, for respondent-appellant.

Matthew Glasson of Glasson & Grove, Cedar Rapids, Iowa, for petitioner-appellee.

Considered by Oxberger, C.J., Snell, and Schlegel, JJ.

SCHLEGEL, J.

Respondent, Stewart Schnepp, appeals the district court's division of assets in the decree of dissolution. We affirm.

Stewart and Jeanne Schnepp were married in 1973, and are the natural parents of two children, ages 11 and 9. Jeanne is also the parent of another child, age 13, from a prior marriage who is residing with her. Jeanne is receiving ADC benefits for the 13 year old.

During the course of their marriage, Stewart has been the only parent working full time outside the home. His gross income for 1981, was $30,000; for 1982, $38,000; and for 1983, $42,000. Jeanne has had relatively little work experience outside the home during the marriage, and those jobs that she's had, have been only part time. She has a high school education, but other than this, no real marketable job skills.

Jeanne was granted physical custody of the children and Stewart was ordered to pay $50 per child per week, and when the support obligations ceased for the oldest child, the support for the remaining child would be increased to $75 per week. Stewart was also ordered to maintain health insurance for the two children. The court, in addition to the child support obligations, ordered Stewart to pay Jeanne $50 per week alimony for three years. The marital assets were apportioned according the parties' respective assets brought into the marriage and their contributions after their marriage.

On appeal, Stewart raises three issues. He alleges the trial court erred in (1) awarding Jeanne an $11,000 lump sum property award, (2) awarding Jeanne alimony, and (3) setting the level of weekly child support obligations.

Our review of this equitable proceeding is de novo. Iowa R. App. P. 4. Our analysis is governed by Iowa Code section 598.21 (1979), which has codified many aspects of our prior case law. The ultimate question is, as it has always

been, whether the distribution of property was equitable. We reject any rule based on a percentage division of the assets and must determine what is equitable under the specific facts of this case. In re Marriage of Lattig, 318 N.W.2d 811, 814 (Iowa App. 1982).

> When asked to review an individual economic provision of a dissolution decree, we consider all the provisions together as an integrated whole. . . . The underlying premise of our analysis is that an equitable property division of the appreciated value of the property should be a function of the tangible contributions of each party and not the mere existence of the marital relationship. . . . [T]he court recognizes as substantial, the contribution of the wife as a housemaker and mother even though the husband contributed more financially. Id. at 815.

I. **Lump Sum Award.** The trial court awarded Stewart one-half of the proceeds from the sale of the parties' homestead, an acreage, a pickup, a pension fund, a life insurance policy, and various other personal property valued conservatively at $20,000. The court, in turn, awarded Jeanne one-half of the homestead proceeds, a pickup, and furniture valued between $9,800 and $9,900. The court then ordered Stewart to pay Jeanne an $11,000 lump sum in order to equalize the distribution of assets.

Stewart alleges, on appeal, that the trial court should have noted that he contributed a far greater percentage of tangible assets at the outset of the marriage and should therefore be entitled to more than just an equal share after the dissolution. In particular he notes that the trial court should have kept separate the $13,000 cash contribution he made toward the purchase of their homestead.

We cannot say it was error for the court to refuse to set aside the $13,000 or any other premarital asset belonging to Stewart. A transfer of property into joint tenancy where one party furnishes all of the consideration is presumed to be a gift to the other party of one-half interest in the property. In re Marriage of Butler, 346 N.W.2d 45, 47 (Iowa App. 1984). "If there (are) wide disparities

between the assets of the parties at the time of the marriage, . . . the length of the marriage is a major factor in determining what the respective rights of the parties with respect to such property are at the time of its dissolution." In re Marriage of Wallace, 315 N.W.2d 827, 831 (Iowa App. 1981).

Stewart and Jeanne were married for eleven years. Although Jeanne did not contribute to the marriage economically as much as Stewart did, her contributions as a mother and a homemaker were substantial. The trial court considered her contributions worthy of equal treatment when it came time to distribute the assets. We affirm that decision.

II. **Alimony.** Stewart argues that the award of alimony is error. We disagree.

The criteria for awarding alimony are set forth in Schantz v. Schantz, 163 N.W.2d 398 (Iowa 1968), and were modified in In re Marriage of Williams, 199 N.W.2d 339 (Iowa 1972), and are codified at Iowa Code section 598.21(3).

> The equitable principles that we have recognized and enforced in the past require, in dissolution cases, that the spouse with the lesser earning capacity is entitled to be supported, for a reasonable time, in a manner as closely resembling the standards existing during the marriage as possible without destroying the right of the party providing the income to enjoy at least a comparable standard of living as well.

In re Marriage of Hayne, 334 N.W.2d 347, 351 (Iowa App. 1983).

The record is very convincing that Jeanne suffers from a serious lack of job skills. She's thirty-eight and has a high school education. Her last full time job was as a secretary before she married Stewart. In addition, she is now a single parent with three young children. We hold the trial court was correct in awarding three years of alimony to Jeanne.

III. **Child Support.** Stewart alleges the trial court placed an unreasonable burden upon him in setting the child support payments too high. However, the

record shows that he earns a net income of over $400 per week, which is based upon an annual gross income of $42,000.

In In re Marriage of Heinemann, 309 N.W.2d 151, 153 (Iowa App. 1981), we said:

> Although both parties to a marriage are under the same legal duty to support their children, In re Marriage of Wahl, 246 N.W.2d 268, 272 (Iowa 1972), the obligation to support is not necessarily to be borne equally; it should be apportioned according to the reasonable ability of each parent to contribute. In re Marriage of Fleener, 247 N.W.2d 219, 221 (Iowa 1976); Wahl, 246 N.W.2d at 272.

In this case, Stewart has the ability to make the payments ordered by the trial court. We do not agree that this order is unreasonably burdensome.

Because we find the trial court did not err in its decision on the issues raised by respondent, we affirm the decree.

AFFIRMED.