FILED
JAN 24 1984
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF MADELLEN MINNIE WHITE AND THOMAS HOLMES WHITE

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UPON THE PETITION OF MADELLEN MINNIE WHITE,	)	Filed January 24, 1984
Petitioner-Appellant/Cross-Appellee,	)	
AND CONCERNING **THOMAS HOLMES WHITE,**	)	3-450 / 83-946
Respondent-Appellee/Cross-appellant.	)	

Appeal from the Iowa District Court for Jefferson County—Dan F. Morrison, Judge.

The wife appeals from the dissolution decree, and the husband cross-appeals; both parties challenge various economic provisions. AFFIRMED.

J.W. McGrath, Keosauqua, for petitioner-appellant.

Craig R. Foss, Fairfield, for the respondent-appellee.

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

The wife appeals from the dissolution decree, and the husband cross-appeals; both parties challenge various economic provisions. We affirm.

I. Scope of Review

Our review of this equitable proceeding is de novo. Iowa R. App. P. 4. While we are not bound by the findings of the trial court, we do give weight to them, especially where the credibility of witnesses is involved. Iowa R. App. P. 14(f)(7).

II. Property Division

Madellen contends the trial court erred in not awarding her the residence according to a prior stipulation. However, it is the decree and not the stipulation which creates any rights the parties have. Peters v. Peters, 214 N.W.2d 151, 157 (Iowa 1974). It is not unusual for a trial court to award the possession of the family home to that parent assuming child custody. See Iowa Code § 598.21(g). It is also reasonable that the court order the residence sold and proceeds divided once the minor child leaves home. In this case, each party professes a precarious financial condition. We find the trial court's determination to sell the house in 1985 after the youngest child graduated to be proper.

Madellen further contends that the trial court should have awarded her the adjacent lot free and clear of any claims by Thomas. The division of property is based upon each marital partner's right to a just and equitable share of the property accumulated as a result of their joint efforts. In re Marriage of Hitchcock, 309 N.W.2d 432, 437 (Iowa 1981). Even though Madellen paid for most of the lot, the payments made were her share of a joint effort to pay all outstanding monthly debts accrued by the family. Therefore, we affirm the trial court's decision to sell the residence and lot together and divide the proceeds between the parties.

III. Alimony

Payment of alimony is not an absolute right; it must be determined in light of all circumstances. In re Marriage of Bevers, 326 N.W.2d 896, 900 (Iowa 1982.

Alimony involves the wife's need for support and the husband's ability to pay. In re Marriage of Jones, 309 N.W.2d 457, 460 (Iowa 1981). Madellen is healthy, has a high school education and a good work record. She is netting approximately $1000 a month in her present job employment. We do not find that these circumstances warrant an alimony payment.

IV. Health and Dental Expense

Madellen alleges that the trial court erred in not addressing the issue of payment of medical and dental expenses in excess of health insurance coverage. However, a search of the record fails to reveal that any such issue was even raised. We will not consider an assignment of error raised for the first time on appeal. In re Marriage of Tucker, 213 N.W.2d 498, 500 (Iowa 1973).

V. Child Support

The trial court ordered Thomas to pay $300 per month as child support for the minor child and $100 per month to aid in the education of the adult child as long as he remains a full-time student or until June of 1986. Madellen contends this amount is inadequate. Thomas, in his cross-appeal, alleges it is too high. The main thrust of each party's argument centers around the oldest child's college expenses.

Both parties have substantial monthly obligations; at the same time, both parties desire higher education for their children. When a court orders a divorced parent to pay support for an adult child who is attending college, factors considered are: (1) financial condition of the parent, (2) ability of the child to work at college, (3) age of child and (4) whether the child is self-sustaining or not. In re Marriage of Vrban, 293 N.W.2d 198, 202 (Iowa 1980). Even though evidence on most of these factors is sketchy at best, our review of the entire record convinces us that a $100 per month award for contribution to the son's college fund is not unreasonable.

Madellen, next, requests that she be granted reimbursement of a portion of the amount she expended for college expenses during the pendency of this action. We will not grant that request.

Evidence indicates that the son is attending an out-of-state college costing approximately $8000 a year, not counting scholarships or grants. Thomas strongly disapproves of that college selection, asserting that an in-state college would provide as good an education at a much lower cost.

Thomas apparently had no voice in the matter concerning college selection. As such, we find the $100 per month award for college expenses sufficient at this time. We will not order him to make reimbursement for prior sums Madellen voluntarily contributed.

Therefore, we affirm the trial court's ruling in total. We also hold that each party is to pay his or her own attorney fees on appeal and one-half of the court costs.

AFFIRMED.