FILED
JUL 26 1991
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 1-38 / 90-1074

IN RE THE MARRIAGE OF PATSY J. LIVENTALS AND HARRY H. LIVENTALS

73

Upon the Petition of

PATSY J. LIVENTALS,

Petitioner-Appellant,

And Concerning

HARRY H. LIVENTALS,

Respondent-Appellee.

Appeal from the Iowa District Court for Warren County, Darrell J. Goodhue, Judge.

Wife appeals from a dissolution decree, challenging the division of property. **AFFIRMED.**

Louis R. Hockenberg and Kerry Anderson of Wasker, Sullivan & Ward, Des Moines, for appellant.

No appearance for appellee.

Considered by Schlegel, P.J., and Sackett and Habhab, JJ. Hayden, J., takes no part.

PER CURIAM

This appeal challenges the property division in a dissolution decree. We affirm.

Petitioner-appellant Patsy Liventals and Harry Liventals were married in 1970. They have two children born in 1972 and 1977. The children were placed in joint legal custody and in Patsy's primary physical care. Harry was ordered to pay child support of $850 per month for both children. The support was ordered to decrease to $600 per month when only one child is eligible for support.

Harry is an osteopathic physician and practiced his profession until 1989. At the time of trial, he was looking for a position. He had not found a position and was unemployed. Patsy is employed as a school teacher at an annual wage of about $20,000.

The parties accumulated property, both from their employment efforts, and from inheritances received by each party. The decree awarded Harry an acreage valued at $50,000 and investments valued at about $179,000; he also received a late model car and a mobile home. Patsy was awarded the parties' residence, valued at $110,000 along with investment assets valued at about $102,000. In addition, she received household furnishings and two older cars. The parties had no significant debts.

Patsy contends the property division is not equitable. Her complaint is the trial court considered property

inherited by Harry as his separate property and set it aside to him.

Gifts received by either party prior to or during the course of the marriage are not subject to property division unless the failure to divide would render an injustice to the parties or their children. See Iowa Code § 598.21(2); In re Marriage of Muelhaupt, 439 N.W.2d 656, 659 (Iowa 1989).

In about 1970, Harry inherited property valued at about $140,000. Two years prior to the dissolution, Patsy inherited property valued at about $85,000. Patsy's contention is that it is equitable to set her inherited property aside to her but it is inequitable to set Harry's property aside to him. Patsy advances a number of reasons why her position is tenable. She points to the long-term marriage and the effort she claims to have expended during the marriage. She argues she should share in Harry's inherited property because it was a part of the family's assets for a longer period than her inherited property was. We reject her arguments.

The support and property division made by the trial court makes adequate provision for Patsy and the children. Patsy is gainfully employed. Harry is not. The trial court made an equitable division. We affirm. We award no appellate attorney fees.

AFFIRMED.