FILED
OCT 0 5 1989
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 9-389 / 88-1275

IN RE THE MARRIAGE OF MARLIN A. JORGENSEN and SONJA A. JORGENSEN

Upon the Petition of

MARLIN A. JORGENSEN,

Petitioner Appellant/Cross-Appellee,

And Concerning

SONJA A. JORGENSEN,

Respondent-Appellee/Cross-Appellant.

Appeal from the Iowa District Court for Story County, Newt Draheim, Judge.

Both parties appeal from a dissolution decree challenging the economic provisions. **AFFIRMED BY OPERATION OF LAW.**

Richard O. Parker of Parker & Handsaker, Nevada, for the petitioner-appellant/cross-appellee.

James A. Brewer of Newbrough, Johnston, Brewer, Maddux & Nadler, Ames, for respondent-appellee/cross-appellant.

Considered by Oxberger, C.J., and Sackett and Habhab, JJ., but decided en banc.

PER CURIAM

The court being equally divided, the judgment is affirmed by operation of law. Iowa Code § 602.5106(1) (1987).

AFFIRMED.

Oxberger, C.J., and Schlegel and Habhab, JJ., would affirm the trial court.

Donielson, Hayden and Sackett, JJ., would modify the economic provisions of the decree.