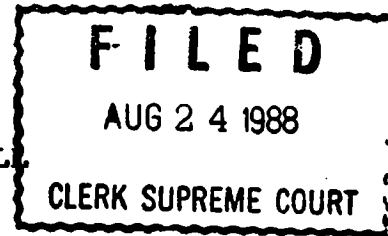


IN THE COURT OF APPEALS OF IOWA
IN RE THE MARRIAGE OF HILDEGARD MARIA HOWELL
AND WILLIS LYLE HOWELL



Upon the Petition of)
HILDEGARD MARIA HOWELL,)
Petitioner-Appellant,)
And Concerning)
WILLIS LYLE HOWELL,)
Respondent-Appellee.)

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8-225
87-1142

Appeal from the Iowa District Court for Polk County
(No. CD 55-32709), Richard D. Morr, Judge.

Petitioner appeals from a portion of a district court
decree of dissolution rejecting her demand for an equitable
division of her husband's monthly military retirement pay.
JUDGMENT OF DISTRICT COURT AFFIRMED BY OPERATION OF LAW.

Patricia A. Shoff and Diane M. Stahle of Davis,
Hockenberg, Wine, Brown, Koehn & Shors, Des Moines, for
petitioner-appellant.

David C. Shinkle of Rogers, Reavely & Shinkle,
Des Moines, for respondent-appellee.

Considered en banc.

PER CURIAM

The court being equally divided, the judgment is affirmed by operation of law. Iowa Code § 602.4107 (1987).

AFFIRMED.

For affirmance: Oxberger, C.J., and Schlegel and Sackett, JJ.

For reversal: Donielson, Hayden and Habhab. JJ.