FILED 292
FEB 24 1981
IOWA SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE MARRIAGE OF TONI L. STONEBROOK AND THOMAS H. STONEBROOK

Upon the Petition of)
TONI L. STONEBROOK,)
Petitioner-Appellee,)
and Concerning)
THOMAS H. STONEBROOK,)
Respondent-Appellant.

Filed February 24, 1981

0-456
2-64867

Appeal from Hardin District Court - Russell J. Hill, Judge.

Respondent-husband appeals and petitioner-wife cross-appeals economic provisions of the parties' dissolution decree. MODIFIED AND AFFIRMED.

James C. Wilson, of Wilson, Hall, Wilson, & Craig, Eldora, for respondent-appellant.

Lundy, Butler & Lundy, Eldora, for petitioner-appellee.

Submitted to Oxberger, C.J., and Donielson, Snell, Carter and Johnson, JJ.

PER CURIAM

Respondent-husband appeals and petitioner-wife cross-appeals economic provisions of the parties' dissolution decree. Both contend, albeit for different reasons, that the division of property was inequitable. Our review is de novo. Iowa R. App. P. 4. We modify and affirm.

Toni and Thomas Stonebrook were married on October 20, 1973. No children were born of this marriage but Toni had two children from a prior marriage who are now nine and eleven years old. She filed the present petition to dissolve the marriage on July 11, 1979. After a January 24, 1980 hearing, the trial court issued its decree on February 25. The court concluded that since the parties contributed nearly equally to the increased net worth of the marital assets, that net worth should be divided on an approximately equal basis. To this end the court awarded Thomas his dry cleaning and laundromat business having an equity of $3,236, a Chevrolet van valued at $1,800, a Honda moped worth $175, various items of personal property with a total value of $3,938 and a judgment for $9,059 with seven per cent interest against Toni to be construed as a division of property and not as alimony. Toni was awarded the marital residence having an equity of $18,787, a 1978 Chevrolet automobile valued at $3,600, personal property worth $3,926 and her savings account worth $1,845. Costs were assessed against Thomas. He appealed and Toni cross-appealed.

I. Thomas raised two issues in his appeal. He first claims that his $9,059 judgment against Toni should be made a lien against the property awarded to her. We agree. Without a lien, Thomas is left with the prospect of having an unenforceable judgment. It is clear that this court has the power to impose a lien on the homestead. Kobriger v. Winter, 263 N.W.2d 892, 894 (Iowa 1978). We also recognize, however, Toni's contention that she must provide some sort of secure living arrangements for her two children. We therefore modify the decree to impose a lien on the residence in the amount of $9,059 in Thomas' favor. He may not, however, take any action to enforce his lien until Toni's children reach the age of majority or until she sells the house, whichever occurs first.

Thomas also claims that the trial court did not properly value a solar energy unit installed by him. The unit, attached to the house, was awarded to Toni although she stated that she did not want it and wished Thomas to remove it. He claims that the unit

has a value of $5,500 and should therefore be considered as a material asset in the division of property. We disagree. He admitted that the unit has no value to him unless he was also awarded the house. Toni stated that she was opposed to its installation and now has no use for it. Two appraisers of the real estate made no allowance for the unit as a separate asset. We find no reason to adopt Thomas' valuation of the unit.

II. On her cross-appeal, Toni claims that she should not have to be responsible for paying the entire amount of the mortgage on the house. The parties originally bought the house for $20,000——$5,000 down payment and a $15,000 mortgage. A second mortgage was later taken on the house to finance the construction of a laundromat on the parties' business property. The total encumbrance is now approximately $24,837. Toni now argues that Thomas should pay that part of the current debt which represents that second mortgage. We are not inclined, however, to disturb the trial court's division of property and obligations. Keeping in mind the court's desire to divide the net assets equally between the parties, we note that Thomas received assets with a net value of $18,208 (made up of the business equity, van, moped, personal property awarded to him and judgment against Toni) while Toni received assets with a net value of $19,099 (made up of the equity in the house, car, personal property awarded to her and her savings account, minus the judgment awarded to Thomas). We agree with the trial court that the parties' equal contributions to the marriage and accumulation of assets merit an approximately equal division of property. Because the decree reaches that goal, we affirm the decree subject to the modification discussed above regarding Thomas' lien on the house.

Cost are assessed to appellant.

MODIFIED AND AFFIRMED.