FILED
OCT 29 1991
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 1-358 / 91-14

IN RE THE MARRIAGE OF BEVERLY ROBIN ROSENFELD AND MARTIN SANFORD ROSENFELD

Upon the Petition of

BEVERLY ROBIN ROSENFELD, 319

Petitioner-Appellee/Cross-Appellant,

And Concerning

MARTIN SANFORD ROSENFELD,

Respondent-Appellant/Cross-Appellee.

Appeal from the Iowa District Court for Polk County, Gene L. Needles, Judge.

Respondent husband appeals and petitioner wife cross-appeals from the decree dissolving the parties' marriage. **AFFIRMED BY OPERATION OF LAW.**

Michael H. Figenshaw and David J. Lynch of Bradshaw, Fowler, Proctor & Fairgrave, Des Moines; and Martin S. Spellman of Spellman, Spellman, Spellman, Spellman, Kealhofer & Spellman, Perry, for appellant.

Mark McCormick and Margaret C. Callahan of Belin Harris Lamson McCormick, P.C., Des Moines, and Jill S. Rolek, Des Moines, for appellee.

Heard by Oxberger, C.J., and Donielson and Habhab, JJ., but considered en banc.

PER CURIAM

The court being equally divided, the judgment is affirmed by operation of law. Iowa Code § 602.5106(1) (1989).

AFFIRMED.

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

For modification: Donielson, Hayden, and Habhab, JJ.