**IN THE COURT OF APPEALS OF IOWA**

No. 1999-201 (9-425) / 98-1827
Filed December 27, 1999

FILED
DEC 27 1999
CLERK SUPREME COURT

**IN RE THE MARRIAGE OF MAURICE E. WHITE AND JUDITH WENDLAND-WHITE**

**Upon the Petition of**
**MAURICE E. WHITE,**
**Petitioner-Appellant/Cross-Appellee,**

**And Concerning**
**JUDITH WENDLAND-WHITE,**
**Respondent-Appellee/Cross-Appellant.**

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Appeal from the Iowa District Court for Black Hawk County, James C. Bauch, Judge.

Petitioner appeals and Respondent cross appeals the economic provisions of the dissolution decree. **AFFIRMED ON BOTH APPEALS.**

Karla J. Shea of Yagla, McCoy & Riley, P.L.C., Waterloo, for appellant.

**R. James Sheerer** of Correll, Sheerer, **Benson, Engels, Galles & Demro**, P.L.C., **Cedar Falls, for appellee.**

**Considered by Sackett, C.J., and Huitink and Vogel, JJ.**

**SACKETT, C.J.**

Petitioner Maurice E. White appeals and Respondent Judith Wendland-White cross appeals challenging the economic provisions of the decree dissolving their ten-year marriage. We affirm on both appeals.

Maurice, born in 1934, and Judith, born in 1944, married following a long relationship in September of 1988. The parties separated in 1996, though the marriage was not formally dissolved until two years later.

Maurice has a high school diploma and has generally been employed in construction and spent considerable time refurbishing housing. He began receiving social security at age sixty-two. His annual benefit in the year preceding trial was $10,500. In addition he reported income of $ 3,861 in 1997.

Judith graduated from high school and is a licensed cosmetologist and worked in that area before marriage. During the marriage she studied radiology at the area community college. At the time of trial she worked as a nurse's aid and had an annual income in 1997 of about $14,000. She contends her income will decrease.

The property division made by the district court resulted in Maurice receiving property valued by the district court at $237,465. He was ordered to assume debts of $69,580. Judith received property valued at $83,878. She was ordered to pay debts of $14,815.

Maurice first contends the district court overvalued certain property awarded to him. Maurice focuses on real estate he purchased and refurbished with a partner.

Maurice challenges the district court's decision to value the property at time of dissolution not the time of separation.

The date of the dissolution is the only reasonable time when an assessment of the parties' net worth should be undertaken. *Locke v. Locke*, 246 N.W.2d 246, 252 (Iowa 1976). We value property for division purposes at its value at the time of the dissolution. *In re Marriage of Fall*, 593 N.W.2d 164, 168 (Iowa App. 1999). It is the net worth of the parties at the time of trial which is relevant in adjusting property rights. *In re Marriage of Muelhaupt*, 439 N.W.2d 656, 661 (Iowa 1989).

Maurice next contends the district court did not correctly value the property and used an improper valuation method. Judith also challenges the district court's method of valuation and contends the district court failed to include Maurice's equity in a property held in his partner's name in the equation.

Maurice sought to establish the property values through the introduction of tax receipts showing assessed values. Additionally he had expert testimony as did Judith. The district court accepted the values established by Judith's appraiser. The district court then made some subtractions and adjustments that both parties challenge.

Maurice contends in assessing the divisible amounts of said property the district court failed to set aside to him an amount adequate to compensate him for property he brought to the marriage.

We have examined Maurice's and Judith's challenges. The question is whether the property division is equitable to the parties. Maurice brought property

into the marriage though the record fails to clearly establish the value of these assets at the time of marriage.

The partners to a marriage are entitled to a just and equitable share of the property. *In re Marriage of Russell*, 473 N.W.2d 244, 246 (Iowa App. 1991). Iowa courts do not require an equal division or percentage distribution. *Id.* The determining factor is what is fair and equitable in each circumstance. *Id.* We cannot on this record find the district court's allocation of the property was not equitable and we affirm. We award no attorney fees. Costs on appeal are taxed one-half to each party.

**AFFIRMED ON BOTH APPEALS.**