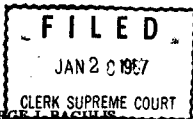


IN THE COURT OF APPEALS OF IOWA



IN RE THE MARRIAGE OF STAMATINA S. BACULIS and ~~GEORGE J. BACULIS~~

Upon the Petition of
STAMATINA S. BACULIS,

Petitioner-Appellant,

And Concerning
GEORGE J. BACULIS,

Respondent-Appellee.

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Filed January 28, 1987

6-327
85-1591

Appeal from the Iowa District Court for Johnson County (No. 5561) -
Paul J. Kilburg, Judge.

Petitioner appeals from her dissolution decree contending the child support,
alimony and property division are inequitable. **AFFIRMED AS MODIFIED.**

Dennis Currell and Thomas M. Gillespie, of Hall & Irvine, Cedar Rapids,
for the petitioner-appellant.

L. G. Klein, Coralville, for the respondent-appellee.

Heard by Donielson, P.J., and Hayden, and Sackett, JJ.

PER CURIAM:

Petitioner Stamatina Baculis appeals from the decree dissolving the parties' marriage. She contends the property division, child support and alimony are inequitable.

The parties were married in 1960, when respondent George Baculis was 19 years old and Stamatina was 15. Stamatina brought into the marriage approximately \$9,000 in cash plus personal property and some jewelry. At the time of marriage George's father deeded the parties a bare lot.

Two daughters were born to the marriage; Stephania in 1966 and Eheleni in 1973. Stephania is still a student.

George has been employed in various jobs throughout the marriage. At the time of trial he was working as a mailroom clerk at the University of Iowa earning a salary of \$1,375 per month.

Stamatina was employed during a majority of the marriage. She also kept the books and helped manage the parties' real estate holdings. She assumed primary responsibility for the parties' and children. In recent years Stamatina has suffered physical and emotional problems requiring periodic hospitalization.

The parties had substantial assets and liabilities. The trial court entered a decree affirming the parties' agreement Stamatina have sole custody of Eheleni. The court divided the parties' assets and liabilities. George was ordered to pay \$120 child support for Eheleni, \$120 support for Stephania for college expenses and \$200 per month alimony. In addition, George was ordered to maintain insurance on his life during the period child support was due. He was also ordered to maintain health insurance on the children at a cost of about \$100 monthly and pay one-half their medical expenses.

I. Scope of Review

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In reviewing a dissolution involving property division, child support and alimony, the entire record is examined and the parties' rights determined anew based on all credible evidence of property presented and preserved issues. Iowa R. App. P. 4; In re Marriage of Stewart, 356 N.W.2d 611, 612 (Iowa App. 1984). We accord weight to the trial court's findings of fact since the trial court has had the unique opportunity to hear and observe the witnesses firsthand; however, we are not bound by them. Iowa R. App. P. 14(f)(7); In re Marriage of Vrbanc, 359 N.W.2d 420, 423 (Iowa 1984).

II. Property Division

Stamatina argues the property award of the trial court is inequitable.

There is no mechanical rule which dictates equal division of marital assets and liabilities. In re Marriage of Stewart, 356 N.W.2d 611, 612 (Iowa App. 1984). The criteria for an equitable award are set forth in Iowa Code §598.211(1). We reject any rule based on a percentage division of the assets. In re Marriage of Lattig, 318 N.W.2d 811, 814 (Iowa App. 1982). The question is whether distribution is equitable under specified facts of a particular case. In re Marriage of Bornstein, 359 N.W.2d 500, 503 (Iowa App. 1984). All economic aspects of the decree must be viewed as an integrated whole. Id.

The trial court apportioned the assets and liabilities so Stamatina received net assets of approximately \$16,593 and George received net assets of approximately \$289,662. George then was ordered to pay Stamatina the sum of \$140,000 with statutory interest; \$50,000 to be paid within 60 days of the entry of the decree and \$10,000 plus accrued interest in each succeeding year until paid. Stamatina seeks a larger portion of the property. She alleges George's failure to pay support during pendency of the action and his alleged misappropriation

of funds from the parties' real estate management account should be considered. She also contends George was guilty of contemptuous behavior and harassment and such should be considered in dividing the parties' property.

In July, 1970, the Iowa Legislature removed fault from the divorce process. Since that time the Iowa courts have made it clear fault must not be used as a factor in awarding property. Locke v. Locke, 246 N.W.2d 246, 251 (Iowa 1976), In re Marriage of Peterson, 227 N.W.2d 142, 149 (Iowa 1975); In re Marriage of Zollener, 219 N.W.2d 517, 524 (Iowa 1974); In re Marriage of Williams, 199 N.W.2d 339, 345 (Iowa 1972).

We reject Stamatina's attempt to interject fault into the record. The net result was a nearly equal property division. We consider the property award equitable and decline to modify it on appeal.

III. Child Support

Stamatina contends the trial court's award of \$120 child support for Ehelene is too low. Both parents have an obligation to support their children not necessarily equally but proportionately according to their ability and circumstances. In re Marriage of Byall, 353 N.W.2d 103, 108 (Iowa App. 1984). In ordering payments for support of a minor child the court must consider, among other things, the financial resources of the parents and child's educational needs. Iowa Code §598.21(b) and (g) (1985). In addition to his child support obligations George is required to maintain health insurance and pay one-half of any medical or dental expenses for the children not covered by insurance. George has also been directed to maintain life insurance with the children as beneficiaries for so long as he is required to pay child support. He must also continue paying premiums on life insurance insuring the children's lives. Stamatina was not ordered to contribute to Stephania's college expenses.

We determine the child support award for Eheloni should be modified and increase it to \$250 per month

IV. Alimony

Stamatina next argues the alimony award of \$200 per month is inequitable. In assessing Stamatina's alimony award we consider the factors enumerated in Iowa Code §598.21(3) (1985). George has a modest income. The property division has resulted in Stamatina receiving over one-half of the parties' net worth. We see no reason to disturb the alimony award on appeal.

V. Attorney Fees

Stamatina seeks appellate fees. We determine George should pay \$500 toward those fees. Appellate court costs are taxed one-half to each party.

AFFIRMED AS MODIFIED.