FILED
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CLERK SUPREME COURT

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IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF JAMES KALIANOFF AND MARY KALIANOFF

Upon the Petition of)
JAMES KALIANOFF,) Filed May 30, 1980
Petitioner-Appellee,)
and Concerning,)
MARY A. KALIANOFF,) 0-47
Respondent-Appellant.) 2-63217

Appeal from Polk District Court - Gibson C. Holliday, Judge.

Wife appeals economic provisions of dissolution decree alleging trial court's division of property was inequitable. AFFIRMED WITH MODIFICATION.

Ronald Baybayan of Des Moines, Iowa, for respondent-appellant.

Theodore T. Duffield and Robin L. Hermann of Patterson, Lorentzen, Duffield, Timmons, Irish & Becker, Des Moines, Iowa, for petitioner-appellee.

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

Respondent-wife, Mary Kalianoff, appeals economic provisions of dissolution decree terminating her marriage to petitioner-husband, James Kalianoff. She alleges trial court's division of property was inequitable. We affirm with modification.

The parties' twenty-four year marriage was dissolved on December 20, 1978. Two of the parties' children were in college and two were minors on the date of dissolution. Petitioner brought $30,000 in assets to the marriage, respondent none. At the time of hearing, petitioner, age 57, was employed at an appliance store earning approximately $200 per week. Although respondent, age 45, remained at home during most of the marriage, she was temporarily employed in a managerial position at a restaurent, earning about $125 each week. She, however, terminated this employment at the time petitioner filed for dissolution. Petitioner was in good health. Respondent was undergoing treatment for alcohol abuse.

Trial court granted custody of the minor children to petitioner.[1] Petitioner was awarded the parties' home, household goods and furnishings, Sears stock, certificates of deposit, a 1977 Buick automobile, and a 1974 Pinto automobile. These assets had a total value of $94,250. Miscellaneous obligations totalling $5,600 and a $13,000 mortgage were imposed on petitioner. Trial court further decreed respondent was entitled to the parties' 1971 Chrysler automobile, a property settlement in the sum of $3,200, payable at the rate of $400 per month commencing on December 15, 1978, and a lien on the parties' home in the amount of $14,000, payable without interest upon the remarriage of petitioner, his sale of the homestead, his voluntary removal therefrom, or upon completion of education of the youngest child of the parties, whichever event first occurs.

I. Scope of Review. Appellate review of the economic provisions of a dissolution decree is **de novo**. Iowa R. App. P. 4; Zinger v. Zinger, 243 N.W.2d 639, 640 (Iowa 1976).

II. Property Distribution. Respondent alleges trial court's division of the parties' property was inequitable since petitioner received a substantially larger share of the marital assets. Our review is governed by application of the criteria enunciated in Schantz v. Schantz, 163 N.W.2d 398, 405 (Iowa 1968), except fault. In re Marriage of Williams, 199 N.W.2d 339, 345 (Iowa 1972).

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[1] Neither custody nor support is at issue in this appeal.

Trial court's division of the property resulted in a net award of approximately $61,650 to petitioner, while respondent received only $17,650 in assets. Although we cannot divide the property with mathematical precision, the distribution must be equitable. In re Marriage of Andersen, 243 N.W.2d 562, 564 (Iowa 1976).

Recognizing petitioner brought significant assets to the marriage, will have custody of the minor children, and is helping all four children in their educational endeavors, we agree with trial court that equity necessitates he be awarded a proportionately larger share of the parties' assets. We also conclude, however, equity requires respondent receive a greater share of those assets than she was awarded. Therefore, we order petitioner pay respondent an additional $10,000 lump sum property settlement within ninety days after issuance of procendendo in this case. In addition, respondent shall be entitled to interest at the rate of 9% annually on the $14,000 lien trial court imposed on the parties' home, payable semi-annually, beginning on the date trial court entered its decree.

Except for those provisions specifically modified by this opinion, trial court's judgment is affirmed. Costs of this appeal are assessed against petitioner.

AFFIRMED WITH MODIFICATION.