IN THE COURT OF APPEALS OF IOWA

No. 4-457 / 94-0159

FILED
NOV 28 1994
CLERK SUPREME COURT

IN RE THE MARRIAGE OF ALAN L. STECKMAN AND BARBARA A. MURPHY

Upon the Petition of
ALAN L. STECKMAN,

Petitioner-Appellant,

And Concerning
BARBARA A. MURPHY,

Respondent-Appellee.

Appeal from the Iowa District Court for Cerro Gordo County, Jon S. Scoles, Judge.

Alan Steckman appeals from the property division provisions of the parties' dissolution decree, contending the division was inequitable. **AFFIRMED.**

David M. Nelsen of Nelsen Law Office, Mason City, for appellant.

John H. Greve of Greve & Krull, Northwood, for appellee.

Heard by Sackett, P.J., and Habhab and Huitink, JJ.

SACKETT, P.J.

The question in this appeal from a decree dissolving a six-year marriage is whether the trial court made an equitable division of the property. We find the trial court did and we affirm.

Petitioner-appellant Alan L. Steckman and respondent-appellee Barbara A. Murphy were married in 1987. It was Alan's third marriage and Barbara's fourth marriage. There were no children born to the marriage, although, both Alan and Barbara have children from prior marriages. The couple are both employed by the United States Postal Service and were both so employed during the marriage. At the time of the dissolution, Alan had an annual salary of $70,000 and Barbara had an annual salary of $41,000. Both entered the marriage with assets. Alan's assets were valued at $69,443 and Barbara's assets were valued at $54,296.96. Alan and Barbara kept the assets they brought into the marriage segregated. The assets appreciated for both of them during the marriage.

Alan and Barbara had no written premarital agreement. Alan testified it had been his practice to have his spouse pay that portion of the household expenses as her salary bore to their combined salaries. Early in the marriage, Alan paid the bills and then billed and received from Barbara her percentage. At that time, Alan determined he should pay sixty-five percent of the bills and Barbara should pay thirty-five percent of the bills. Then in

January 1989, Barbara loaned Alan $9500 to pay off a credit card debt. Barbara quit making the payments because, apparently, the agreement was she would give credit toward that amount as her payments accrued and the payments ended at that time. The parties jointly purchased a home in Mason City.

The trial court set aside to Barbara property valued at $116,948 and to Alan property valued at $158,625. Alan was then ordered to pay Barbara $17,020. Alan's contention on appeal is the decree should be modified to eliminate the $17,020 payment to Barbara. Alan contends this is equitable because after he had repaid Barbara the $10,000 loan, she failed to make her required percentage contributions to household expenses and he inherited $30,000 from his mother during the marriage which was not properly credited.

Barbara contends there has been an equitable division and Alan's inheritance was not co-mingled. Barbara also questions the amount of inheritance. Alan testified he did not have documentation of his inheritance but he estimated it to be about $30,000. The trial court made no specific finding of the exact amount of Alan's inheritance except to find part of it went toward the Mason City house. The trial court in its property division, gave Alan credit for this portion of the down payment on the house.

We find no evidence Alan was not given credit for his inheritance in the property division. The only other

question is whether the balance of the property division is equitable. The partners in the marriage are entitled to a just and equitable share of the property accumulated through their joint efforts. In re Marriage of Russell, 473 N.W.2d 244, 246 (Iowa App. 1991). Iowa courts do not required an equal division or percentage distribution. Id. The determining factor is what is fair and equitable in each circumstance. Id. The distribution of the property should be made in consideration of the criteria codified in Iowa Code section 598.21(1) (1991). In re Marriage of Estlund, 344 N.W.2d 276, 280 (Iowa App. 1983). The allocation was equitable.

We award no appellate attorney fees. Costs on appeal are taxed to Alan.

AFFIRMED.