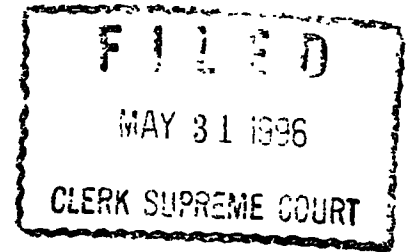


IN THE COURT OF APPEALS OF IOWA

No. 6-010 / 94-2065



**IN RE THE MARRIAGE OF CLAIR J. DENLINGER
AND LOIS A. DENLINGER**

Upon the Petition of
CLAIR J. DENLINGER,
Appellee.

And Concerning
LOIS A. DENLINGER,
Appellant.

Appeal from the Iowa District Court for Dubuque County, Forest E. Eastman,
Judge.

Lois A. Denlinger appeals certain economic provisions of the parties'
dissolution decree. **AFFIRMED AS MODIFIED.**

Mary M. Schumacher, Dubuque, for appellant.

Chad C. Leitch of O'Connor & Thomas, P.C., Dubuque, for appellee.

~~Considered~~ by Huitink, P.J., Streit, J., and McCartney, S.J.* Vogel, J., takes
no part.

*Senior judge from the Second Judicial District serving on this court by order of the
Iowa Supreme Court.

PER CURIAM

The wife appeals the property division in the parties' dissolution decree. She claims the district court failed to place a value on growing crops. We affirm as modified on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

Clair and Lois Denlinger were married in 1970. Three of their seven children were minors at the time of the dissolution decree. Clair is self-employed as a farmer and his annual average income is about \$18,700. Lois is employed as a medical records clerk and has annual income of \$12,147.

The district court entered a dissolution decree for the parties on November 15, 1994. The parties were granted joint legal custody of the minor children, with Clair having primary physical care. The court awarded Clair marital assets worth \$376,296, which included the parties' 290-acre farm and all farm machinery. He was ordered to assume debts of \$193,286, which leaves him with net assets of \$183,010. Lois was awarded property valued at \$58,046. She was also granted a lien against the farm for \$60,886, which is payable three months after the last minor child reaches the age of eighteen or graduates from high school. Clair is not required to pay interest on the lien until it becomes due. In exchange, Lois is not required to pay child support.

Lois now appeals, claiming the distribution of assets was not equitable to her. The partners in a 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).

Lois claims the court failed to consider the value of growing crops and crops on hand. She believes these assets had a market value of \$22,882, and should be credited to Clair. We agree that the value of growing crops and crops on hand should be considered an asset which was awarded to Clair. Lois' values do not include the cost of harvesting the crops. We find the value of growing crops and crops on hand is \$20,000. We determine Lois' cash property settlement should be increased to \$70,886 to reflect this increase in the amount of the assets awarded to Clair. ($\$60,886 + 1/2(\$20,000) = \$70,886$).

Lois also seeks to have her cash property settlement increased to \$116,083 from \$60,886. In addition, she asks to either be awarded this amount immediately or to receive interest on the unpaid balance. Lois recognizes this may cause the sale of the farm, but states she should not be required to wait to receive her portion of the value of the farm.

We note that we have already increased Lois' cash property settlement to \$70,886. Also, the assets awarded to Clair have been increased to \$203,010. After the payment of the cash property settlement, Clair will have total net assets of \$132,124, and Lois will have total net assets of \$128,932. We find this result is equitable under the facts of the case. We also note that in exchange for not receiving interest on the lien, Lois is not required to pay child support. Thus, she receives a

benefit for waiting to receive her portion of the value of the farm, and we conclude it is not inequitable to require her to wait until the children are no longer minors.

We affirm the decision of the district court as we have modified in this opinion. Costs of this appeal are assessed one-half to each party.

AFFIRMED AS MODIFIED.