

FILED

JUL 26 1989

CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA
IN RE MARRIAGE OF GARY DEAN LEHMAN
AND TAMARA L. LEHMAN

Upon the Petition of)

365

GARY DEAN LEHMAN,)

Petitioner-Appellee,)

And Concerning)

TAMARA L. LEHMAN,)

9-231
88-1333

Respondent-Appellant.)

Appeal from the Iowa District Court for Scott County
(38536), Max R. Werling, Judge.

The wife has appealed a dissolution decree, challenging
the division of property. **AFFIRMED.**

Thomas G. Schebler, Davenport, for respondent-
appellant.

M. Leanne Tyler, Davenport, for petitioner-appellee.

Considered by Donielson, P.J., and Schlegel and Habhab,
JJ.

PER CURIAM

Respondent, Tamara Lehman, appeals the decree entered in this dissolution matter, claiming that the division of the marital property was inequitable. Specifically, she claims that the court did not consider her inheritance correctly, and that the court gave credit to Gary Lehman, the petitioner, other than was supported by the record.

At the time of the marriage, Gary owned a going concern in the form of a gasoline service station. This, together with an automobile and a service truck, constituted his assets at the time of marriage. The record shows that he had a business inventory in connection with the service station, and that he had accounts receivable of about \$5,000. Shortly after marriage, Gary purchased a Conoco service station. That station has been sold on contract and is being paid off at the rate of \$1,189.36 per month.

The court accepted the division of personal property agreed to by the parties, set off the balance of Tamara's inheritance to her, awarded her investments and two cars, and awarded her the next eighteen monthly contract payments on the Conoco station contract. The court also awarded Gary the balance of the contract payments.

The distribution of the parties' property in a dissolution action should be that which is equitable under the circumstances upon consideration of the criteria codified in Iowa Code section 598.21 (1987). In re

Marriage of Estlund, 344 N.W.2d 276, 280 (Iowa App. 1983). Division of property is based upon each marital partner's right to a just and equitable share of the property accumulated as the result of their joint efforts. In re Marriage of Hitchcock, 309 N.W.2d 432, 437 (Iowa 1981). The court is obligated to divide all property, except inherited property or gifts received by one party, equitably between the parties. Iowa Code § 598.21 (1). "We have rejected any rule based on a percentage division of the ASSETS, and recognize that we must determine what is equitable under the specific facts of each case." In re Marriage of Byall, 353 N.W.2d 103, 106 (Iowa App. 1984).

Upon our de novo review, Iowa R. App. P. 4, we believe the trial court's division of assets was equitable. We affirm the trial court.

AFFIRMED.