FILED
OCT 27 1981
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

ELAINE MARIE OWENS,)

Petitioner-Appellee,) Filed October 27, 1981

vs.)

SAMMIE GENE OWENS,) 1-249
2-65654

Respondent-Appellant.)

Appeal from Dubuque District Court - L. John Degnan, Judge.

Respondent-husband appeals from that portion of the parties' dissolution of marriage decree which divided their marital assets. AFFIRMED AS MODIFIED.

John R. Becker, Dubuque, Iowa, for respondent-appellant.

Robert D. Klauer, Dubuque, Iowa, for petitioner-appellee.

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

PER CURIAM

Respondent-husband, Sammie Gene Owens, appeals from that portion of the parties' dissolution of marriage decree which divided their marital assets. We affirm trial court's decree with modification.

Respondent and petitioner, Elaine Marie Owens, were married on May 24, 1961, in Dubuque, Iowa. They had four children, three of whom were still minors at the time of trial. Respondent was employed for approximately fifteen years at John Deere Dubuque Tractor Works, but, in 1976, was afflicted with multiple sclerosis and was compelled to retire. He receives a pension of $139.20 per month from the John Deere Company in addition to his $564 monthly Social Security disability benefits. He thus has a monthly income of approximately $703.20. Petitioner worked outside the home for approximately one and one-half years after the parties' marriage. She then stayed home to raise the four children for the next thirteen years. In 1976, she returned to work outside the home and has continued to do so since that time. She currently works at two jobs for approximately forty-six hours per week and has a net income of $887.83 per month. Due to respondent's disability, the parties receive $420 per month from Social Security for the support of the children.

The parties agreed that petitioner should have custody of the minor children. Respondent was not required to supplement the social security benefits for the children with any of his personal income. Trial court ordered only that respondent cooperate so as to maximize the social security benefits available for the children. Petitioner did not request alimony. Both parties filed financial statements to the court; however, they differed significantly as to the value of the house and its furnishings. Trial court accepted the appraised value of the house at approximately $40,000 with an encumbrance of $10,500. The court did not, however, place a value on the household furnishings. Petitioner valued those items at $1,500 while respondent valued them at $5,000. There also was a dispute over the balance in the parties' joint bank account. Trial court found that there was approximately $5,000 in that account over which respondent had control and custody and which, at the time of trial, contained only $475. Trial court awarded petitioner the parties' home and ordered that she assume the outstanding mortgage and other debts, taxes, and insurance. Respondent was awarded a permanent property settlement of $7,000 for his interest in the family home, payable on the occurrence of certain contingencies at a future date not to exceed six months after the youngest child reaches age 18, or is no longer a high school student.

I. Scope of Review. Our review of this matter is de novo. Iowa R. App. P. 4. We are not bound by the trial court's findings of fact, but we give great weight to them, especially regarding the credibility of witnesses. Iowa R. App. P. 14(f)(7).

II. Property Division. In reviewing the property provisions of the parties' dissolution decree, we consider the factors articulated 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).

Respondent contends that the trial court unfairly divided the parties' property by awarding petitioner assets with a value substantially greater than that awarded to himself. Although not required in every case, it is often desirable to make an equal division of the marital assets. In re Marriage of Conley, 284 N.W.2d 220, 223 (Iowa 1979); In re Marriage of Anderson, 243 N.W.2d 562, 564 (Iowa 1976). The test for an acceptable division of assets is to ask what would constitute an equitable and just award under the circumstances. Locke v. Locke, 246 N.W.2d 246, 251 (Iowa 1976).

The property division in the instant case appears to give petitioner more than twice as much in total net assets as respondent received. We see no reason not to strive for an even division of the assets. Since the value of certain assets is disputed, and there was little evidence to prove either parties' contention, we rely on trial court's determination in its findings. In re Marriage of Bare, 203 N.W.2d 551, 554 (Iowa 1973). Upon our review of the record and trial court's findings, we conclude that an increase in respondent's interest in the family home to $14,000 would render the entire property division just and equitable. We therefore modify trial court's decree to increase respondent's interest in the family home by $7,000, payable in accordance with the original terms set by trial court. We further modify trial court's decree to award respondent ten percent interest per annum from the date of the original decree, on his $14,000 interest in the family home. In all other respects, we affirm trial court's judgment.

AFFIRMED WITH MODIFICATION.