IN THE COURT OF APPEALS OF IOWA

No. 8-139 / 97-0295

IN RE THE MARRIAGE OF HARRIET D. JOHNSON AND FRED M. JOHNSON

Upon the Petition of HARRIET D. JOHNSON,

Petitioner-Appellee,

And Concerning FRED M. JOHNSON,

Respondent-Appellant.

FILED
AUG 23 1998
CLERK SUPREME COURT

Appeal from the Iowa District Court for Linn County, Van D. Zimmer, Judge.

Respondent appeals from the economic provisions of the dissolution decree.

AFFIRMED.

Michael W. Fay, Cedar Rapids, for appellant.

Stephanie C. Hassler of Roeder & Hassler, Manchester, for appellee.

Considered by Sackett, P.J., and Huitink and Vogel, JJ.

SACKETT, P.J.

This appeal challenges a specific economic provision of a decree dissolving a fifteen-year marriage. We affirm.

Petitioner-appellant Fred M. Johnson and respondent-appellee Harriet D. Johnson married in 1981. They each had children from prior relationships. Fred adopted Harriet's youngest child. All the children are now adults and not a subject of this proceeding.

At the time of the marriage, Harriet had personal property, including household furniture and a vehicle. Fred owned a home where he and Harriet lived during the marriage.

At the time of trial, Harriet was fifty and had an annual income of $5393; Fred was fifty-eight and had an annual income of $6279.

Fred sells real estate and also has an interest in a greenhouse business. Harriet is attending college and taking business administration. She also markets merchandise at a local farmers' market.

The trial court made certain findings as to the extent of the parties' assets and liabilities. The trial court then allocated assets and debts to each. The trial court, among other things, valued the parties' residence at $100,000. The parties had stipulated there was a mortgage on the premises securing a liability of $55,000. The trial court awarded the home to Harriet and ordered she be responsible for payments on the indebtedness secured by the mortgage.

Fred, on appeal, challenges only that part of the decree awarding the residence to Harriet. Fred's position is because he owned the home at the time of the marriage, it should have been given to him.

The issue is whether Fred and Harriet were treated equitably in the economic provisions made by the trial court. *In re Marriage of Dahl*, 418 N.W.2d 358, 360 (Iowa App. 1987). We 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); *In re Marriage of Lattig*, 318 N.W.2d 811, 814 (Iowa App. 1982). It is the net worth of the parties at the time of trial which is relevant in adjusting their property rights. *In re Marriage of Muelhaupt*, 439 N.W.2d 656, 661 (Iowa 1989); *In re Marriage of Moffatt*, 279 N.W.2d 15, 20 (Iowa 1979).

A dissolution court has jurisdiction to divide property belonging to either or both spouses at the time of the dissolution and has jurisdiction to award alimony. *In re Marriage of Klein*, 522 N.W.2d 625, 628 (Iowa App. 1994). In a dissolution, all property should be divided equitably. *In re Marriage of Miller*, 452 N.W.2d 622, 623 (Iowa App. 1989); *see also In re Marriage of Havran*, 406 N.W.2d 450, 452 (Iowa App. 1987). In making the division, the court is required to consider the factors of Iowa Code section 598.21. The issue in this case focuses on section 598.21(1)(b), which provides in making an equitable distribution, the court shall consider as a factor "property brought to the marriage by each party." Iowa Code § 598.21(1)(b) (1995).

The value of the parties' assets and liabilities is not clear from this record. The trial court expressed frustration at the evasive, conflicting, and less than credible testimony presented by both Harriet and Fred as to their existing assets and the values of these assets. Fred has a judgment against him, and certain property the couple owned appears to have been transferred into others' names in order to avoid the judgment.

The trial court, while giving the home to Harriet, awarded her no alimony and awarded Fred all interest in a greenhouse and a real estate business. We cannot say on review of this record the allocation of assets and debts made by the trial court is not equitable. We affirm.

AFFIRMED.