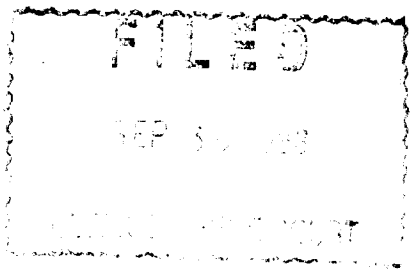
IN THE COURT OF APPEALS OF IOWA

No. 7-759 / 97-0281
Filed September 30, 1998

IN RE THE MARRIAGE OF DONALD JON STEPHENSON and DARCY LYNNE STEPHENSON

Upon the Petition of
DONALD JON STEPHENSON,
Appellant,

And Concerning
DARCY LYNNE STEPHENSON,
Appellee.



Appeal from the Iowa District Court for Wapello County, Annette J. Scieszinski, Judge.

Donald Stephenson appeals the property distribution and attorney fee provisions of the decree dissolving his marriage to Darcy Stephenson. **AFFIRMED BY OPERATION OF LAW.**

Allan C. Orsborn of Orsborn, Bauerle & Milani, Ottumwa, for appellant.

Susan E. Lynch of McKay, Moreland & Webber, P.C., Ottumwa, for appellee.

Considered by Sackett, P.J., and Huitink and Mahan, JJ., but decided en banc.

PER CURIAM

The court being equally divided, the judgment is affirmed by operation of law. Iowa Code § 602.5106(1) (1995).

AFFIRMED.

For affirmance: Cady, C.J., and Streit and Vogel, JJ.

For modification: Sackett, P.J., and Huitink and Mahan, JJ.