FILED
OCT 05 1993
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 3-440 / 92-2047

IN RE MARRIAGE OF ANNA MAE BROWN AND IRVIN C. BROWN

Upon the Petition of
ANNA MAE BROWN,

Petitioner-Appellant,

And Concerning
IRVIN C. BROWN,

Respondent-Appellee.

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Appeal from the Iowa District Court for Bremer County, Jon Stuart Scoles, Judge.

Petitioner wife appeals from the economic provisions of the parties' dissolution decree. **AFFIRMED.**

Roger L. Sutton, Charles City, for appellant.

Marion L. Beatty, Decorah, for appellee.

Considered by Oxberger, C.J., and Hayden and Sackett, JJ.

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SACKETT, J.

Petitioner-appellant Anna Mae Brown appeals challenging the economic provisions of the decree dissolving her marriage to respondent-appellee Irvin C. Brown. We affirm.

Anna and Irvin were married in 1978. This was Irvin's first marriage. Irvin was a grain and livestock farmer. At the time of the marriage, Irvin had a net worth in excess of $800,000. A majority of his assets were in Iowa farmland.

This was Anna's second marriage. She brought three children from her prior marriage to this marriage. The children at the time were 16, 14, and 12. Irvin did not adopt the children, but they were receiving minimal child support from their father and the couple provided for the children before they reached their majority and have continued to help the children in certain ways after they reached their majority. Anna had a net worth of about $20,000 at the time of marriage.

Irvin and Anna continued Irvin's farming operation during the marriage. They purchased additional farmland. The farmland proved to be a bad investment; primarily because of declining land values. At the time of the dissolution, the combined net worth of Anna and Irvin was a little more than $400,000. The greater part of the net worth was in equities in farmland Irvin had owned at the time of marriage. A decrease in the value of Iowa farmland

had a substantial effect on the parties' decrease in net worth. Additionally, the expenses of a family took a large part of the farm income.

The trial court valued the net assets of the couple, excluding household and including grain and crops, at $365,500. Those assets were awarded to Irvin. In making the award, the trial court considered the equities Irvin had at the time of marriage. The court then ordered Irvin to pay to Anna a cash settlement of $31,500 to be paid over three years in three equal installments with interest on the unpaid balances at ten percent per annum from the date the decree was filed.

Irvin was also ordered to pay Anna spousal support of $500 per month for a period of five years. The trial court provided that if Irvin did not survive for five years the remaining alimony obligation would be a charge on his estate.

In addition, Irvin was ordered to pay all debts which included about $6000 in charges Anna had incurred on credit cards. He was also required to pay $1000 toward her attorney fees.

Anna contends (1) the award was not equitable and (2) the farm real estate was not correctly valued.

We review de novo. Iowa R. App. P 4. We consider the two issues raised on appeal by Anna together. Her challenge to the values of farmland are challenges to the distribution of the land rather than challenges to the values placed on the land by the trial court.

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Anna was born in 1938 and Irvin in 1940. Currently, Irvin continues to farm and Anna works caring for elderly people. They both are in relatively good health. During the marriage, the couple and Anna's children worked diligently on the farm.

The question is whether the award is equitable under the particular circumstances of this case. See In re Marriage of Wallace, 315 N.W.2d 827, 830 (Iowa App. 1981); see also Iowa Code § 598.21. We consider the property division and alimony together in evaluating their sufficiency. In re Marriage of Alexander, 478 N.W.2d 420, 423 (Iowa App. 1991).

Irvin entered into the marriage with a net worth of $800,000. We are directed to consider property brought into the marriage in assessing the equities of support and property division. See Iowa Code § 598.21(1)(b). Property brought by one party into the marriage does not necessarily have to be divided with another. In re Marriage of Lattig, 318 N.W.2d 811, 815 (Iowa App. 1982). Irvin provided the home for the parties and he continued during the marriage to work hard as a farmer. The major factor in the decrease in his net worth was the decline in the value of farm real estate in Iowa.

Anna brought into the marriage a net worth of about $20,000. She also brought three children to the marriage. The children assisted on the farm, but they also consumed substantial resources. The efforts of the couple and the

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assets of Irvin provided for their support and also provided some help for the children who had reached their majority.

Anna leaves the marriage with a larger net worth than she had when she entered the marriage, while Irvin leaves the marriage with a substantially smaller net worth. We find no inequity in the trial court decision and we affirm.

Anna requests attorney fees on appeal. An award of attorney fees is not a matter of right, but rests within the court's discretion and the parties' financial positions. In re Marriage of Elbert, 492 N.W.2d 733, 736 (Iowa App. 1992). We deny Anna's request for attorney fees.

AFFIRMED.