FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF LINDA SUSAN CLOPTON AND JOHN DAVID CLOPTON

Upon the Petition of)
LINDA SUSAN CLOPTON,)
Petitioner/Appellee/ Cross-Appellant,)
And Concerning)
JOHN DAVID CLOPTON,)
Respondent/Appellant/ Cross-Appellee.)

Filed August 29, 1985

5-279
84-1118

Appeal from the Iowa District Court for Cerro Gordo County - Ralph F. McCartney, Judge.

Respondent husband appeals and petitioner wife cross-appeals from the decree dissolving the parties' marriage. AFFIRMED AS MODIFIED.

Roberta Mott Anderson of Enabnit & Keen, Mason City, Iowa, for petitioner/appellee/cross-appellant.

Jay M. Shriver of Pappajohn, Shriver, Eide & Nicholas, Mason City, Iowa, for petitioner/appellee/cross-appellant.

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

Respondent husband appeals and petitioner wife cross-appeals from the decree dissolving the parties' marriage. On appeal, respondent husband asserts (1) that the property division is inequitable; (2) that the trial court should have awarded certain of the parties' antiques and collectibles to one or the other of the parties, rather than providing for the parties to divide the items by agreement or, if they were unable to do so, by the drawing of lots; (3) that his child support obligation is excessive; (4) that the trial court should have specified which party will have the right to claim the children as dependency exemptions for income tax purposes; and (5) that the trial court allowed him "reasonable visitation" and should instead have allowed him "liberal visitation at reasonable times and places upon reasonable prior notification," as the parties had stipulated. On cross-appeal, petitioner wife asserts (1) that the property division is inequitable; (2) that her child support award is inadequate; and (3) that she should be awarded attorney fees on appeal. We affirm as modified.

Linda and John Clopton were married in 1974. They have two children: Cory, born in 1979, and Adam, born in 1982. John is employed as a program director at a community college and earns a net income of approximately $1,360 per month. Linda is a full time school teacher; at the time of trial she had a net monthly income of $1,063.

The trial court awarded Linda custody of the parties' children and directed John to pay child support of $250 per month per child. John was to have "reasonable visitation with the children upon reasonable advance notice." The court did not specify which party would have the right to claim the children as dependency exemptions for income tax purposes.

With respect to the property division, the trial court awarded each party his or her insurance policies, bank accounts, IPERS fund, and the car in his or

her possession. Linda received the parties' furniture and a coin collection she had brought into the marriage. The court also divided some of the antiques and collectibles listed by the parties. The decree provided that John and Linda were to agree on a division of the remaining antiques and collectibles; if they were unable to do so, the items were to be divided by lot.

The decree further provides (1) that the parties would continue to jointly own their house for seven years, (2) that Linda was then to pay John $7,883 for his half of the parties' equity in the house and $3,819 to equalize the property division, and (3) that Linda could occupy the house during the seven years but would have to pay the mortgage installments, taxes and insurance during her occupancy. The trial court directed John to pay $500 toward Linda's attorney fees. John has appealed and Linda has cross-appealed. We affirm as modified.

I. **Property Division.** Both parties to this action dispute the property division set forth in the decree and claim it is inequitable.

Our analysis of the property division is governed by section 598.21(1) of the Iowa Code which codifies many aspects of our prior case law. A percentage division of the property is not statutorily sanctioned. Rather, the ultimate question is whether the distribution is equitable under the specified facts of the particular case. In re Marriage of Callenius, 309 N.W.2d 511, 514 (Iowa 1981). Furthermore, we recognize that all economic aspects of the divorce decree must be viewed as an integrated whole. In re Marriage of McFarland, 239 N.W.2d 175, 179 (Iowa 1976).

Viewing the facts before this court in light of section 598.21(1), we conclude that, as a whole, the trial court's distribution of the property was equitable. The court recognized that both parties have made substantially similar contributions to the marriage and attempted to make an equal division of assets. We see little reason to disturb this provision of the decree. With respect to the

antiques and collectibles not specifically awarded to either party, this court is confident that the parties can reach some agreement as to their division without unnecessary interference with the decree. We are not willing to alter the decree on this relatively minor point merely due to John's speculation that difficulties could arise.

In spite of our general agreement with trial court's division of property, we find it necessary to modify the provision in one respect. The decree provides that John shall receive his equity in the home in the sum of $7,883 at the conclusion of seven years, but the amount will not bear interest. Iowa Code section 535.3 provides in relevant part:

> Interest shall be allowed on all money due on judgments and decrees of courts at the rate of ten percent per year .... The interest shall accrue from the date of the commencement of the action.

The language of this provision divests the court of any discretion to withhold interest on the judgment. Sheer Construction, Inc. v. W. Hodgman and Sons, Inc., 326 Iowa 328, 334 (Iowa 1982). John should have been awarded interest at ten percent from the date of the decree. We therefore modify the decree to this extent.

II. Child Support. John and Linda also dispute the child support provision of the decree.

In considering each party's claim, we examine the facts of this case in light of the factors listed in Iowa Code section 598.21(4). We further recognize that both parties to a marriage have a legal obligation to support their children. In re Marriage of Fleener, 247 N.W.2d 219, 221 (Iowa 1976). The obligation to support should be apportioned according to the ability of each parent to contribute. In re Marriage of Heinemann, 309 N.W.2d 151, 153 (Iowa Ct. App. 1981).

Our examination of the record convinces us that the child support is appropriate. Considering John's resources together with the needs of the children, we believe $250 per month per child is an equitable amount.

As a corollary issue, John claims the trial court should have specified which party is entitled to claim the children as a dependency exemption for income tax purposes. Since Linda and John do not agree on who should claim the exemption, we believe it would be appropriate to resolve the matter at this point. Accordingly, we modify the decree to provide that Linda shall be entitled to the dependency exemption for Corey and John shall be entitled to the exemption for Adam.

III. Visitation. John argues that the trial court's decree should be modified to provide for visitation on a liberal basis rather than a reasonable basis. He claims that liberal visitation would vest him with greater visitation rights.

We are not inclined to modify the decree in this respect. As Linda points out, there is little, if any, distinction between liberal and reasonable visitation. This court will not interfere with a decree merely on the basis of word choice or semantics.

IV. Attorney Fees. The final matter before this court is Linda's request for appellate attorney fees. We have considered the relevant factors set forth in In re Marriage of Bornstein, 359 N.W.2d 500, 504 (Iowa Ct. App. 1984), and conclude that such an award would be inappropriate.

AFFIRMED AS MODIFIED.