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IN THE COURT OF APPEALS OF IOWA
IOWA SUPREME COURT

IN RE THE MARRIAGE OF MARY A. BELL AND RONALD L. BELL

Upon the Petition of	)	
MARY A. BELL,	)	Filed November 26, 1980
Petitioner-Appellee,	)	
And concerning	)	
RONALD L. BELL,	)	0-300
	)	<u>2-64445</u>
Respondent-Appellant.	)	

Appeal from Black Hawk District Court - Roger F. Peterson, Judge.

Respondent husband appeals from economic provisions of the parties' dissolution decree. - AFFIRMED WITH MODIFICATION.

Jay P. Roberts, of Swisher & Cohrt, Waterloo, for petitioner-appellant.

George Lindeman & David L. Riley, of Lindeman & Yaglia, Waterloo, for respondent-appellee.

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

PER CURIAM

Respondent, Ronald Bell, appeals from economic provisions of dissolution decree. We affirm with modification.

Mary and Ronald Bell were married in 1972. One child was born of the marriage in 1974. Mary filed petition for dissolution on March 21, 1979. Trial was held in August, 1979, and dissolution order filed on September 18, 1979. A motion to amend findings and modify decree was filed by Ronald and a modified order was filed on November 7, 1979. Ronald appeals that order. Our review is de novo. Iowa R. App. P. 4.

I. Ronald asserts child support award was excessive and property distribution was inequitable. The record reveals both parties work and net nearly equal incomes of approximately \$8300 per year. The trial court after amending a misstatement in the original findings awarded to Mary \$40 per week as child support and imposed assumption of health insurance costs for the child upon Ronald. Ronald alleges this award is inequitable. Since their financial situations will be strained to support two households, Ronald proposes the award be reduced so as not to cause such a radical imbalance of available resources. While we appreciate the financial constraints of this situation we do not find the child support award which constitutes one fourth of Ronald's income to be inequitable. On the other hand, we find Mary's supplemental financial situation and employment access to insurance benefits justifies her assumption of the child's health insurance premiums.¹ We therefore modify the decree in that respect.

II. Ronald urges the \$11,000, payable within five years and awarded to him as his share of the equity in their home, and household furnishings, should be payable immediately or, in the alternative, should be subject to interest. In view of Mary's own limited financial situation, it would be inequitable to require immediate, full payment. However, Ronald's argument against five years free use of the asset is well taken.

Our review of cases involving an eventual or installment distribution of share of equity does not reveal that interest is mandatory. That imposition depends on circumstances of each case. See e.g. In re Marriage of Conley, 284 N.W.2d 220, 223

¹ The first order wherein Ronald was required to furnish medical insurance was later amended to correct a substantial miscalculation of Ronald's income. The child support award was lowered in the amended decree but no change was provided for premium responsibility.

(Iowa 1979); In re Marriage of Moffatt, 279 N.W.2d 15, 21 (Iowa 1979); In re Marriage of Fleener, 247 N.W.2d 219, 220 (Iowa 1976); In re Marriage of McDowell, 244 N.W.2d 238, 240 (Iowa 1976); In re Marriage of Kehrli, 241 N.W.2d 923, 926 (Iowa 1976). The trial court did not schedule regular payments but ordered the \$11,000 to be paid "within five years." We find the circumstances warrant annual installment payments of \$2200 to Ronald to allow a transitory but immediate use of his share of marital property. Interest will be applied to the unpaid balance at the rate of nine percent per annum. The first installment shall be due on or before November 26, 1981, and subsequent payments due on the anniversary thereof.

Ronald argues the \$11,000 distribution does not equal an exact one-half share, of all assets, the proportion he feels is required under the circumstances. Considering 1) no support was furnished to Mary during the pendency of this action, 2) custody of the child was awarded to Mary and 3) conflicting evidence of asset values in the record, we find \$11,000 fairly represents Ronald's equitable share of assets which include equity in home, household furnishing, and savings. We therefore affirm trial court's order as modified herein.

AFFIRMED AS MODIFIED.