FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF FRANCES B. SMITH AND JOHN D. SMITH

Upon the Petition of)
FRANCES B. SMITH,)
Petitioner-Appellee,)
And Concerning)
JOHN D. SMITH,)
Respondent-Appellant.)

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8-421
87-919

Appeal from the Iowa District Court for Plymouth County (No. 25,584), James L. McDonald, Judge.

Respondent husband appeals from the provisions of the decree of dissolution. **AFFIRMED.**

Timothy W. Shuminsky of Shuminsky, Shuminsky & Molstad, Sioux City, for respondent-appellant.

William E. Day, Sioux City, for petitioner-appellee.

Considered by Donielson, P.J., and Hayden and Habhab, JJ.

DONIELSON, P.J. 305

Respondent husband appeals from the provisions of the decree of dissolution entered in the district court which divided the marital property of the parties. Respondent claims that the division of property was not equitable to him because the district court awarded him few of the assets and all of the debt of the parties.

Petitioner Frances B. Smith and respondent John D. Smith were married on February 3, 1951. They had eight children, all of whom are now adults. At the time of the trial, both parties were fifty-five years old and neither were employed. John had worked at Swift and Company until the plant closed in 1985. He received a pension of $415 per month. John also raised hogs, but had recently sold all of his livestock for $12,837. He also sold $2,828 worth of scrap metal he had gathered. The district court awarded Frances the residence of the parties valued at $14,000 and furnishings valued at $500. John was awarded a mobile home valued at $300 and a pickup truck valued at $300. Each party is to receive one-half of a $9,000 annuity and one-half of the monthly pension.

Our review of this case is de novo. Iowa R. App. P. 4. In equity cases, especially when considering the credibility of witnesses, the court gives weight to the fact findings of the trial court, but is not bound by them. Iowa R. App. P. 14(f)(7).

Iowa follows a theory of equitable distribution of property in a dissolution proceeding. In re Marriage of Byall, 353 N.W.2d 103, 106 (Iowa App. 1984). Equality need not be achieved with mathematical exactness. In re Marriage of Bornstein, 359 N.W.2d 500, 503 (Iowa App. 1984). Our analysis of the property division is governed by section 598.21(1) (1987) of the Iowa Code and the facts of the case. Reviewing the record before this court, we conclude that the court's distribution of the property was equitable.

The special circumstances found in this case were:

1) that petitioner is able bodied, yet possesses no employment skills and has minimal experience;

2) respondent is physically disabled but not unemployable; and

3) respondent disposed of marital properties valued at over $14,000 during the period of separation.

The trial court could not ignore respondent's unilateral post-separation disposition of marital assets. See Marriage of Johnson, 350 N.W.2d 199, 202 (Iowa 1984). The trial court sought an equitable distribution of the marital property by including the $14,000 proceeds which respondent secured through the sale of livestock and scrap metal in respondent's share of the distribution. This amount is comparable to the value of the home that was awarded to petitioner.

Pensions accumulated during the marriage may properly be divided between the parties. In re Marriage of Bevers, 326 N.W.2d 896, 900 (Iowa 1982). Allowing each party a one-half interest will provide income to both parties. The annuity was also acquired during the marriage and was equitably divided.

The parties have relatively equal needs and abilities to support themselves. Considering the overall economic circumstances of the parties, we feel the debt should be left with respondent. Our review of the evidence, giving weight to the trial court findings, finds that an equitable distribution has been made. Therefore, the decision of the trial court is affirmed.

AFFIRMED.