FILED
MAR 20 1984
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

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IN RE THE MARRIAGE OF JUDITH A. WATERS AND JAMES L. WATERS

Upon the Petition of	)	
JUDITH A. WATERS,	)	
Petitioner-Appellee,	)	Filed March 20, 1984
And Concerning	)	
JAMES L. WATERS,	)	4-63 83-808
Respondent-Appellant.	)	

Appeal from the Iowa District Court for Polk County - Theodore H. Miller, Judge.

Respondent husband appeals from the property division and child support provisions of the parties' dissolution decree. AFFIRMED AS MODIFIED.

William A. Wickett of James & Galligan, Des Moines, for respondent-appellant.

Daniel Stamatelos of Stamatelos & Kenyon, Des Moines, for petitioner-appellee.

Considered by Donielson, P.J., and Snell and Schlegel, JJ.

Respondent husband appeals from the property division and child support provisions of the parties' dissolution decree. We affirm as modified.

Judy and Jim Waters were married in 1974. It was Judy's second marriage and Jim's first. The parties have one child, Addie, born in 1976. Judy has custody of her two children from her first marriage. Judy manages a beauty salon and earns about $29,000 a year. Jim is a marketing representative for IBM and earns about $49,000 a year.

The trial court set up a joint custody arrangement and gave Judy physical care of Addie. Jim was directed to pay child support of $50 per week. The court provided for the parties to continue to own their house as tenants in common, with Judy to have a $4,982 lien on Jim's interest as well as the right to occupy the house while Addie is a minor or still in high school. Jim was directed to make the mortgage payments and pay taxes and insurance on the parties' house, all as part of his child support obligation. The court awarded Judy a 1978 Cadillac, her life insurance, her savings account, part of Jim's savings account, and the parties' stock in Gulf States Utilities, Montana Power, Southwestern Public Service, and Kansas Gas & Electric. Jim was awarded a 1973 Porsche, his life insurance, his LCI account, part of his savings account, his pension plan, and the parties' stock in IBM. No alimony was awarded, and each party was directed to pay his or her own attorney fees. Jim brought this appeal.

Jim complains that the economic provisions of the decree are inequitable, specifically with regard to the property division and child support. In considering the fairness of such provisions, we view them as a whole. In re Marriage of Castle, 312 N.W.2d 147, 149 (Iowa Ct. App. 1981). We examine the facts of this case in light of the factors listed in Iowa Code §§ 598.21(1) (property division) and 598.21(4) (child support). Our review is de novo. Iowa R. App. P. 4.

I.

We find no reason to disturb the property division. Jim claims it is unfair for Judy and Addie, along with Judy's children from her previous marriage, to have exclusive possessory rights in the house. We disagree. Iowa Code section 598.21(1)(g) requires the trial court and this court to consider "[t]he desirability of awarding . . . the right to live in the family home for a reasonable period to the party having custody of the children, or if the parties have joint legal custody, to the party, having physical care of the children." We believe the trial court was justified in letting Judy have possession of the house as a home for Addie until Addie graduates from high school. The parties received an equal distribution of property as far as monetary value is concerned. The terms of the property division are equitable.

II.

Jim also contends that the child support obligation imposed on him is excessive. In addition to $50 per week, his obligation to pay the mortgage, insurance, and real estate tax expenses on the marital home was termed as child support. These payments would total nearly $800 per month. We agree that some modification is necessary. Although Jim's financial resources are greater than Judy's, we see no reason to burden Jim with nearly all of the house expenses when he receives no present enjoyment from the house and where Judy earns about $29,000 per year. We therefore modify this portion of the decree and order that Judy pay for the house insurance and the real estate taxes. Jim is still responsible for paying $50 per week in outright child support as well as the monthly principal and interest payments on the home mortgage.

Except for this modification, the decree is affirmed.

AFFIRMED AS MODIFIED.