IN THE COURT OF APPEALS OF IOWA

No. 7-363 / 96-1305

IN RE THE MARRIAGE OF WILMA J. MOORE AND RICHARD P. MOORE

Upon the Petition of
WILMA J. MOORE,

Petitioner-Appellee,

And Concerning
RICHARD P. MOORE,

Respondent-Appellant.

FILED
AUG 22 1997
CLERK SUPREME COURT

Appeal from the Iowa District Court for Dubuque County, Lawrence H Fautsch, Judge.

Richard Moore appeals from the provisions of the parties' dissolution decree.

AFFIRMED AS MODIFIED.

Anthony J. Quinn of Hughes & Trannel, P.C., Dubuque, for appellant.

William A. Lansing of Lansing Law Office, Dyersville, for appellee.

Considered by Sackett, P.J., and Streit and Vogel, JJ.

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SACKETT, P.J.

Respondent-appellant Richard P. Moore challenges the economic provisions of the decree dissolving his forty-three-year marriage. He also challenges his undefined obligation to provide health insurance for his youngest child. We affirm as modified.

Richard and petitioner-appellee Wilma Moore are the parents of nine children. The youngest, Michael, living with his mother, was eighteen but still in high school at the time the decree was entered. The trial court found Michael had an annual income of more than $11,000. Richard was not ordered to pay child support for Michael but was required to provide him medical insurance. The decree did not limit the term of Richard's responsibility for the medical insurance. Richard contends it should be limited to the time Michael is a high school student. We agree that Richard's obligation to provide medical insurance for Michael should be limited to the time Michael is a full-time student, unmarried, and less than twenty-two years of age. *See In re Marriage of Russell*, 559 N.W.2d 636 (Iowa App. 1996). We modify the decree accordingly.

Richard next challenges the trial court order that he name his nine children beneficiaries on his life insurance. There is no statutory requirement that fixes an obligation on divorcing parents to adult children except when the child is an unmarried student under twenty-two years of age or the child suffers a disability or

is unable to care for himself or herself on reaching majority. *See In re Marriage of Davis*, 462 N.W.2d 703, 704 (Iowa App. 1990). We modify the decree to eliminate the requirement Richard name his children as beneficiaries on his life insurance.

Richard next challenges the property division and award of spousal support. The trial court allocated the property giving to Wilma the family home. Richard's pension account was divided one-half to each and the parties were ordered to provide the court with a Qualified Domestic Relations Order. The court ordered Richard pay Wilma spousal support of $500 a month for twenty-four months and $1000 towards Wilma's attorney fees. Richard contends the property division, when considered with his obligation for spousal support, was not equitable.

We review de novo. Iowa R. App. P. 4; *In re Marriage of White*, 537 N.W.2d 744, 746 (Iowa 1995).

In dividing property in a dissolution, Iowa is an "equitable distribution" state meaning partners in a marriage that is to be dissolved are entitled to a just and equitable share of property accumulated through their joint efforts. *In re Marriage of Robinson*, 542 N.W.2d 4, 5 (Iowa App. 1995). An equitable division does not necessarily mean an equal division of each asset; rather, it means what is equitable under the circumstances after considering the statutory criteria of Iowa Code section 598.21. *Id.* Generally, in a long-term marriage, a nearly equal division of the assets is considered equitable. *In re Marriage of Russell*, 473 N.W.2d 244, 246 (Iowa App.

1991); *In re Marriage of Demory*, 443 N.W.2d 67, 69 (Iowa App. 1989). We look to the economic provisions of the decree as a whole. *See In re Marriage of Miller*, 524 N.W.2d 442, 445 (Iowa App. 1994).

Richard, who has a tenth grade education, has been employed by FDL Foods since 1953. During most of the marriage he has been the sole wage earner and Wilma assumed the substantial responsibilities for the home and children. Richard's current monthly income from wages and a pension, after deductions for taxes, is about $1800.

Wilma, who is 58 years of age and has an eighth grade education, has worked for the last five years in a series of part-time jobs, including housekeeper, child care provider, painter, and paperer. Her monthly income after tax deductions is about $600.

The primary assets to be divided were Richard's pension valued at about $40,000, his 401(k) plan valued at about $17,000, and the parties' home valued at $50,000. Wilma was awarded the house and one-half of Richard's pension. In addition to the house, Wilma received about $4000 in household goods, an $1800 tax refund, and $2500 in insurance proceeds for hail damage to the house. Richard was awarded the 401(k) plan. Richard's life insurance has a cash value of about $4000 and he received a truck valued at $3000.

Richard's argument centers on his contention it is not equitable for Wilma to receive both the house and spousal support. He points out the house is larger than

necessary for a single person living alone and the trial court should have considered the income the equity in the house would generate should Wilma sell or rent it in assessing her need for spousal support.

We find the property award and the alimony award are equitable and affirm both.

Costs on appeal are taxed to Richard.

AFFIRMED AS MODIFIED.