MAR 22 1979
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF JOAN A. LEMOINE AND WILBUR SCOTT LEMOINE

Upon the Petition of)
JOAN A. LEMOINE,) Filed March 22, 1979
Appellee,)
And Concerning) 771
WILBUR SCOTT LEMOINE,) 2-61647
Appellant.)

Appeal from Woodbury District Court - David J. Blair, Judge.

Respondent husband appeals economic provisions of decree of dissolution. AFFIRMED WITH MODIFICATIONS.

David C. Galvin of O'Brien, Galvin & O'Brien, Sioux City, Iowa, for appellant.

J. Rock Johnson of Sioux City, Iowa, for appellee.

Heard by Oxberger, C.J., and Donielson, Snell, Carter and Johnson, JJ.

PER CURIAM

Respondent Wilbur LeMoine appeals economic provisions of the decree dissolving his marriage of 27 years to petitioner Joan LeMoine. We affirm with modification.

The only substantial asset acquired by the parties is the family residence valued at $35,000 with an encumbrance of $12,421. Wilbur is self-employed in the glass business with annual net earnings of approximately $8700. Joan has a high school education but has no vocational skills or training; her earning potential is limited. During the marriage, she kept house and cared for the parties' four children who are now adults. Trial court awarded one-half of the equity of the family home to Joan as property division and the other half to her as lump sum alimony. Wilbur contests this distribution. We affirm with modification.

Our review of the trial court's judgment is de novo. Iowa R. App. P. 4; Zinger v. Zinger, 243 N.W.2d 639, 640 (Iowa 1976).

An award of the family residence to Joan leaves Wilbur with virtually nothing to show for his contribution to the twenty-seven year marriage. On the other hand, Joan is sentimentally attached to the house and has sacrificed her income-producing potential in order to perform the duties of wife and mother. We think Joan is entitled to sole occupancy of the home until her death, remarriage or vacation of the premises. Furnishings shall remain with the house and become Joan's property, except as previously directed by trial court.

Should Joan cease to occupy the premises, or in the event of her death or remarriage, the home shall be sold. Wilbur shall be entitled to one-half of the equity as of time of trial, $11,290, plus interest at seven percent (7%) per annum from the date of trial court's final decree. Wilbur also shall pay $200 per month alimony to Joan until her remarriage or the death of either party. An equitable lien is imposed against Wilbur's portion of the equity to insure payment of alimony. See generally, Kobriger v. Winter, 263 N.W.2d 892, 894 (Iowa 1978); Luedecke v. Luedecke, 195 Iowa 507, 510, 192 N.W. 515, 516 (1923).[1]

[1] Section 598.21, The Code 1977, gives the court power to make such order in relation to property as shall be justified in dissolution proceedings.

Applying the criteria of Schantz v. Schantz, 163 N.W.2d 398, 405 (Iowa 1968), except fault, In re Williams' Marriage, 199 N.W.2d 339, 344 (Iowa 1972), we believe this distribution to be equitable to both parties.

Each party shall bear his or her own costs on appeal.

AFFIRMED AS MODIFIED.