FILED
MAY 31 1978
CLERK SUPREME COURT

144

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF SHIRLEY J. VAUGHAN and JAMES L. VAUGHAN

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| Upon the Petition of | ) | |
| **SHIRLEY J. VAUGHAN,** | ) | Filed May 31, 1978 |
| Appellant, | ) | |
| And Concerning | ) | 517 |
| **JAMES L. VAUGHAN,** | ) | 2-60935 |
| Appellee. | ) | |

Appeal from Guthrie District Court - Robert O. Frederick, Judge.

Wife appeals from economic provisions of dissolution decree. Affirmed as modified.

Ted E. Marks, of Marks, Flagg, Hockett & Marks, of Des Moines, for appellant.

David A. Scott, of Davis, Scott & Grace, of Des Moines, for appellee.

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

PER CURIAM

Petitioner, Shirley Vaughan, appeals from the economic provisions of the March 4, 1977 decree dissolving her marriage of 14 years to respondent, James Vaughan. She seeks alimony; an increased child support award, including continued support for children over 18 years of age; a 3.7 acre parcel of land awarded to James; and an award for attorney fees incurred on appeal. On appeal our review is de novo. Rule 4, Rules of Appellate Procedure. We give weight to the findings of the trial court, but are not bound by them. We are guided by the criteria listed in Schantz v. Schantz, 163 N.W.2d 398 (Iowa 1968). We do not consider fault. In re Marriage of Williams, 199 N.W.2d 339 (Iowa 1972).

The parties were married in 1963. At that time Shirley had custody of the two children from her previous marriage, Rebecca, born May 28, 1957, and Ricky, born April 3, 1959. James adopted them. Two children were subsequently born to this marriage, Laurie in 1964 and Robert in 1965. At the time of trial James was 39 years old and Shirley 40.

James is employed as an interstate truck driver. Shirley sells the products of Shaklee Corporation. Although James's gross income is nearly $20,000 a year, because of the high expenses of such work, his net income per month is only $675. This income is almost completely exhausted by monthly payments on his tractor-truck and pick-up truck. His paychecks are sent directly to the bank holding the notes on these vehicles. James is then given monthly advances by the bank. He now lives in a mobile home, his share of the rent being $85 per month. Shirley sells Shaklee Corporation products and estimated at trial that she could net $500 - $600 per month from this work within two years. She has a company car. At present she receives $419 per month Aid to Dependent Children (ADC).

Under the decree Shirley was awarded custody of the four children. James was awarded his tractor-truck valued at $25,000, with a $26,000 encumbrance, the 1973 pick-up truck, valued at $2700, with an encumbrance of $2782, 3.7 acres of farm and wooded land, the barn thereon and the unspecified machinery therein, all of unknown values. Also awarded to James were a 1946 Ford tractor of unknown value and the funds in his savings and checking accounts the amount of which is not specified in the record.

Shirley was awarded the parties' house, valued at $10,000 - $20,000, a 1971 Oldsmobile, valued at $1000, a 1963 pick-up, worth $50, the $1000 remaining due her on a real estate sales contract, and the $100 in her checking and savings accounts. She was also awarded household goods, furniture and a garden tractor, all of unknown value. Shirley was made responsible for the $3560 debt still owing on the house, a $5000 debt for aluminum siding, and other debts which total approximately $1300.

James was made solely responsible for the $26,000 owed the bank for his tractor-truck, the $2782 owing on his pick-up, and other debts of $1800. James was ordered to pay child support of $75 per month per child until a child reaches 18 or becomes self-supporting. He was also ordered to pay Shirley $500 toward her attorney fees. No alimony was awarded.

On appeal Shirley contends, without supporting evidence, that James's income is greater than shown at trial, that hers is minimal, and that as a result she should be awarded alimony, increased child support, the 3.7 acres of land awarded James under the decree, and an award for attorney fees incurred on appeal. She additionally seeks continued child support payments for her two children, Rebecca and Ricky. Rebecca, age 20, works full-time periodically and attends a junior college at times. Whether Ricky, age 19, is employed or is a student is unknown. Both of these elder children have lived at home occasionally since reaching age 18.

This case involves an unfortunate situation of too much need for too little money. The wrecking of James's tractor-truck two years ago and the subsequent cost of its replacement have worsened matters. But, even considering those circumstances, we conclude the trial court's child support award for Laurie and Robert is inadequate. We direct that such payments be increased to $120 per month per child for these two children during the period of support contemplated by § 598.1(2), The Code, effective with the date of procedendo. All other provisions of the decree are affirmed.

AFFIRMED AS MODIFIED.