

FILED

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CLERK SUPREME COURT
OF IOWA

IN THE COURT OF APPEALS

IN RE MARRIAGE OF ROBERT L. WILLIAMS AND CAROLINE L. WILLIAMS

Upon the Petition of	)	
ROBERT L. WILLIAMS,	)	Filed April 29, 1980
Appellant,	)	
And Concerning	)	
CAROLIN L. WILLIAMS,	)	0-35
Appellee.	)	2-62758

Appeal from Marion District Court - Harry Perkins, Jr., Judge.

Petitioner appeals economic provisions of dissolution decree. - Affirmed as modified.

James W. Carney, of Carney, Hudson & Williams, Des Moines, for petitioner-appellant.

Pat Meyers, of Meyers & Meyers, Pleasantville, for respondent-appellee.

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

PER CURIAM

Petitioner, Robert L. Williams, appeals economic provisions of decree dissolving his marriage to respondent, Carolin L. Williams. We affirm as modified.

The trial court decree dissolving the nineteen year marriage of the parties granted Carolin custody of the couple's three children and \$25 per week per child in support. The trial court granted Carolin the right to remain in possession of the couple's home until such time child support obligations terminated or she remarried and ordered Robert to make mortgage and tax payments on the house until Carolin's possession terminated. Thereafter, the home was to be sold and proceeds equally split between the parties. On appeal, Robert asserts the property division and child support awards are inequitable. Our review of his claims is de novo, Iowa R. App. P. 4, and we apply the criteria of Schantz v. Schantz, 163 N.W.2d 398, 405 (Iowa 1968), except fault. In re Marriage of Williams, 199 N.W.2d 339, 345 (Iowa 1972).

Robert's challenge to the property division rests on the trial court's distribution of the couple's assets and its granting Carolin possession of the home while obligating Robert for its mortgage and tax payments. Robert claims he should have received a greater portion of the assets and asserts the proceeds from the eventual sale of the home should be divided in a manner reflecting his financial contribution in the time period between the dissolution and the sale.

Under the Schantz criteria, we find an equal distribution of property warranted. The marriage was of long duration. Neither party entered the marriage with substantial assets and the property accumulated during marriage can be attributed to the joint efforts of the parties.

The trial court awarded Carolin household goods, which each party had valued at \$6000, two of the couple's three automobiles, ownership of a fully paid whole life insurance policy, benefits in her public employee retirement fund, and one-half of the \$35,289.72 equity the couple had in its home. Robert was awarded the third automobile, a \$2000 credit union account, his retirement benefits, a fishing rod and reel, and one-half the home equity. Additionally, he was ordered liable for loans of \$3100, \$1232.57, \$1947.60, the \$212 monthly house payment, and a \$1100 paving assessment. He also agreed to assume \$498 in debts on account. Although valuations were not assigned each

asset by the trial court, the property division entered clearly was not equal in that Carolin received nearly all the \$6000 of household goods and none of the nearly \$7000 in outstanding debt..

Although an equal distribution need not be achieved with mathematical exactness, In re Marriage of Anderson, 243 N.W.2d 562, 564 (Iowa 1976), the assignment of debts and division of assets here inequitably favored Carolin. To correct this inequity, we modify the division of the trial court by granting Robert an additional \$3000 award to be paid by deducting that amount from Carolin's share of proceeds from the sale of the parties' home.

The trial court ordered the proceeds from sale of the couple's home be equally divided. Robert claims his share in the home is unequitably diluted because Carolin will receive a portion of the appreciation accruing after the dissolution without having contributed to retirement of debt during that time. We find Robert's claim valid and hold modification of the distribution of the proceeds of sale is appropriate. At the time of the decree, the couple's equity in the home was \$35,289.72. We already have determined Robert should receive a \$3000 increase in his share of the equity to off-set the trial court's division of the couple's personalty. Thus, we find, at the time of the decree, Robert's share in the home's equity should have been \$20,644.86 and Carolin's \$14,644.86. To preserve those relative shares, and to compensate Robert for his continued contribution toward acquisition of full title in the home, we order that when the home is sold, Robert shall receive a share of the net proceeds equal to his percentage of the total home equity at that date. To compute the percentage, the sum of \$20,644.86 and the principal retired by Robert since the dissolution shall be divided by the sum of \$35,289.72 and the principal retired since the dissolution. Proceeds remaining after distribution of Robert's share shall be awarded Carolin.

Robert also challenges the child support award as excessive. Factors to be considered in awarding child support were set forth in In re Marriage of Zoellner, 219 N.W.2d 517, 525 (Iowa 1974). Under them, we find the award of support of \$25 per week per child was not excessive even though Robert claims his \$995 net monthly income is insufficient to meet expenses. See In re Marriage of Florke, 270 N.W.2d 643, 645 (Iowa 1978); In re Marriage of Horstmann, 263 N.W.2d 885, 892 (Iowa 1978).

The trial court decree is affirmed, as modified, and remanded for entry of provisions regarding distribution of the couple's home. Costs of appeal are taxed equally to the parties.

Affirmed as modified and remanded.