FILED
JAN 26 1989
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

168

IN THE MATTER OF THE ESTATE OF AARON DREXEL LAU,	)	
Deceased,	)	
And Regarding the Claim of	)	
BRENDA J. LAU VANDEWALKER,	)	
Claimant-Appellee,	)	
vs.	)	8-262 88-138
CAROL LATHAM LAU,	)	
Administrator-Appellant.	)	

Appeal from the Iowa District Court for Fayette County (No. 14831), James L. Beeghly, Judge.

This is an appeal from a district court determination of the priority of claims in a probate action. **AFFIRMED.**

Darold J. Jack of Oelwein for administrator-appellant.

John W. Hofmeyer III of Oelwein for claimant-appellee.

Considered by Oxberger, C.J., and Donielson and Schlegel, JJ.

OXBERGER, C.J.

This is an administrator's appeal of a district court order finding claimant's judicial lien for property settlement and back child support superior to a claim for the costs of administration, burial expenses, and court costs with respect to decedent's estate. The administrator also appeals the imposition of a sanction pursuant to Iowa Rule of Civil Procedure 80(a). Our review is for the correction of errors at law. We affirm.

Aaron, the decedent, and Brenda, the claimant, were divorced on December 9, 1983. The decree required that Aaron pay Brenda $12,500 over five years and that this sum would be a lien on Aaron's house until the amount was paid. Aaron was also required to pay $75 per week child support. The child support was later reduced to $50 per week. On December 2, 1986, the court ordered that Aaron sell his homestead to pay off the judicial lien and delinquent child support obligations. Prior to the sale of his home, Aaron died on January 10, 1987.

Brenda filed a claim against the estate seeking over $16,897.30 for her unpaid property settlement and $39,550 for past, present and future child support. The administrator of the estate objected to this claim, contending that it was subordinate to claims for items such as burial expenses. The district court ordered that Brenda's judicial lien for property settlement and back

child support was superior to and had priority over the claim for burial and other administrative expenses. The record indicates that Aaron Lau's estate value is $36,000.

Appellant argues that costs of administration, burial expenses, and court costs are superior to a lien for child support and property settlement pursuant to Iowa Code section 633.425. However, we find that a claim and a lien are to be accorded different treatment. See In re Butterfield's Estate, 196 Iowa 633, 195 N.W.188 (1923); Black v. Black, 42 Iowa 694 (1876). We find that the estate's interest in the decedent's homestead cannot arise above the interest of the decedent at the time of his death. At the time of the decedent's death, Brenda had a lien on his property for back child support and property settlement. The estate's claim cannot arise above this lien.

The administrator also appeals the district court's imposition of a $100 sanction on the administrator's attorney for misstatements regarding previous court orders in this case. Administrator's attorney was sanctioned pursuant to Iowa Rule of Civil Procedure 80(a) for misrepresenting a prior court order in this case. The administrator's attorney said that the court denied the claimant's motion to adjudicate points of law when in fact the court ruled on the motion. We find substantial evidence to support the imposition of sanctions in this instance.

AFFIRMED.