FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF JOY C. LONEY AND RICHARD C. LONEY

Upon the Petition of)
JOY C. LONEY,) Filed April 26, 1979
Appellant,)
And Concerning)
RICHARD C. LONEY,) 78
Appellee.) 2-60526

Appeal from Wayne District Court - James E. Hughes, Judge.

Wife appeals economic provisions of dissolution decree alleging entitlement to alimony and one half of marital property. - Affirmed with Modification.

James W. Brown and Richard R. Ramsey, of Brown & Ramsey, Osceola, for Appellant.

Michael J. Streit and Richard D. Morr, of Morr & Shelton, Chariton, for Appellee.

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

OXBERGER, C. J.

Petitioner Joy Loney appeals economic provisions of decree dissolving her 21 year marriage to respondent Richard Loney, alleging that she is entitled to alimony and fifty percent of the marital assets. We affirm with modification.

Joy possessed no substantial property at the commencement of the marriage; Richard, however, did contribute approximately $3000 thereto. Throughout the marriage, Richard was primarily engaged in farming 217 acres of land. This farm, which was owned by a friend of Richard's family, was eventually purchased by the parties in 1962. In addition to performing a variety of farm duties and caring for the parties' two children, Joy was employed outside the home for a number of years. At the time of trial she earned $5200 annually as a secretary. Both parties have experienced some health problems. Richard suffered a heart attack in 1973 and has since discontinued active farm labor. He has sought office-type employment to supplement his seasonal earnings as an income tax preparer. The farm was sold in 1976.

Our review of the instant case is de novo. Iowa R. App. P. 4. The primary dispute between the parties concerns whether or not Joy should receive one half of the marital estate. Trial court awarded her forty percent of the net assets and gave Richard sixty percent. Joy made a substantial contribution to the marriage partnership through her efforts as wife, mother, farmhand, and wage earner. Applying the guidelines established in Schantz v. Schantz, 163 N.W.2d 398, 405 (Iowa 1968), except fault, we think the property should have been equally divided. See In re Marriage of Freese, 226 N.W.2d 800, 803 (Iowa 1975).

Although allocations of property and alimony have different purposes, they are not to be considered in isolation from each other. In re Marriage of Peterson, 227 N.W.2d 139, 142 (Iowa 1975). In view of James' uncertain employment future, Joy's ability to support herself, and the property division made above, we find that no alimony should be awarded. Costs on appeal are taxed equally to both parties. Each shall pay his or her own attorney fees.

Modified, affirmed, and remanded for entry of supplemental decree.

All judges concur, except Donielson, J., who dissents.

DONIELSON, J. (dissenting)

I dissent. There is no mandate that marital property must be split exactly in half nor that this court modify every dissolution. The trial court is required to order a property division "as shall be justified." Section 598.21, The Code 1977. See In re Marriage of Andersen, 243 N.W.2d 562, 564 (Iowa 1976); In re Cooper's Marriage, 225 N.W.2d 915, 919 (Iowa 1975); In re Marriage of Tucker, 213 N.W.2d 498, 501 (Iowa 1973). After **de novo** review of the facts, I find the property division equitable and justified and would affirm the trial court.