FILED
SEP 21 1973
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

BONITA LOUISE ROSS,
Appellant,

vs.

KENNETH EUGENE ROSS,
Appellee.

Filed September 21, 1973

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2-61404

Appeal from Polk District Court - Harry Perkins, Judge.

Petitioner wife appeals dissolution decree claiming she should have been granted full title to the family residence. - Affirmed with modification.

Rebecca A. Belcher, Des Moines, for Appellant.

Kenneth Eugene Ross, Des Moines, pro se.

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

PER CURIAM

Petitioner Bonita Louise Ross appeals the provisions of the trial court claiming she should have been granted full title to the family residence in the dissolution of her eleven year marriage to Kenneth Eugene Ross. We affirm with modification.

The parties own a residence valued at approximately $45,000, encumbered by a $26,000 mortgage and a $2465 home improvement loan. In addition, they have accumulated a total indebtedness of $2675 for family expenses. We think the parties should share equally in their assets and indebtedness. In re Marriage of Andersen, 243 N.W.2d 562, 563 (Iowa 1976). The trial court granted Kenneth all of the one-third interest ($7000 valuation) in the Kansas farmland he and Bonita had received as a gift from his mother. We think Bonita should receive a setoff of $10,000 for the settlement she received from her former spouse after she married Kenneth. The only available asset for satisfaction of the $10,000 setoff and the payment of debts is the equity the parties have accumulated in their residence. We approve the grant of occupancy of the residence to Bonita and the children. The right of occupancy should cease when the youngest child attains majority. In re Marriage of Willcoxson, 250 N.W.2d 425, 427 (Iowa 1977). We direct Kenneth to pay the $2675 indebtedness incurred during the marriage. He shall have a lien in the amount of indebtedness paid impressed upon the residence to be redeemed by him when the residence is sold as set out below.

If Bonita remarries, if she and the children cease to occupy the residence as their home, or when the youngest child reaches age eighteen, whichever event first occurs, the family residence shall be sold and the proceeds divided as follows: 1) any outstanding mortgage and home improvement loan amounts and any closing costs of the sale shall be paid, 2) Bonita shall be reimbursed for all principle payments on the mortgage and home improvement loan she has made during her occupancy, 3) any outstanding amount of the $2675 indebtedness shall be paid to the respective creditors and Kenneth's lien in the amount of the indebtedness he has paid shall be satisfied, 4) Bonita shall be paid the $10,000 setoff for the premarital settlement amount, and 5) any remaining equity shall be divided equally between Bonita and Kenneth.

In all other respects we affirm the trial court. We remand for entry of provisions in the decree in accord with this decision.

Affirmed with modification.