FILED
JAN 25 1979
CLERK SUPREME COURT



IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF DOROTHY PAULINE MOORE AND GERRY ELVIN MOORE

Upon the Petition of
**DOROTHY PAULINE MOORE,**

Appellee,

And Concerning
**GERRY ELVIN MOORE,**

Appellant.

Filed January 25, 1979

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2-58139

Appeal from the Appanoose District Court - Arthur A. McGiverin, Judge.

Husband appeals from property division provision of dissolution decree. Affirmed.

Dick R. Schlegel, of Barnes, Schlegel & Walter, of Ottumwa, for appellant.

James S. Craver, of Milani & Milani, of Centerville, for appellee.

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

PER CURIAM

Respondent, Gerry Moore, appeals from the property division provision of the March 5, 1975 decree which dissolved his 17 year marriage to petitioner, Dorothy Moore. 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. The factors guiding our consideration of the property division question are listed in Schantz v. Schantz, 163 N.W. 398 (Iowa 1968). We do not consider fault. In re Marriage of Williams, 199 N.W.2d 339, 345 (Iowa 1972). We affirm the trial court.

Both parties entered the marriage with few assets. Both have been continuously employed during the majority of the marriage. For several years Gerry was employed as a sheep shearer in the southern states during the spring, and at a bowling alley owned by Dorothy's father during the remainder of the year. Since the separation of the parties he has become a construction worker. Dorothy operates a beauty shop from her home, and employs two other beauticians. Dorothy's 1974 net income was estimated to be $4000. Gerry's net income for eight months of construction work in 1974 was $2,120.

Gerry concedes that an equal division of the parties' assets would be equitable under the circumstances. His argument is that equity was not accomplished because the trial court seriously undervalued several assets which were awarded to Dorothy. After consideration of the trial testimony, the trial court's decree, and its ruling on Gerry's motion for new trial which urged the asset valuation issue now being considered, we conclude that the values placed on the parties' assets are reasonable.

We conclude that the settlement ordered by the trial court is equitable. Disregarding Gerry's child support obligation, which terminates under the terms of the decree in February, 1979, the parties' assets were split nearly equally. Gerry seeks sale of the family home because he considers it undervalued by the court. By such a sale, Gerry feels he would receive his $9,000 settlement from Dorothy sooner than under the terms of the decree (annual payments of $1,000, 7% interest on unpaid balance). We agree that the house should not be sold. Under the terms of the decree it is the home of Dorothy and the parties' two children, as well as the site of Dorothy's business. The decree of the trial court does substantial equity and should be affirmed. Respondent is assessed with costs but shall not be required to contribute toward petitioner's attorney fees on appeal. See Craft v. Craft, 226 N.W.2d 6, 9 (Iowa 1975).

AFFIRMED.