



IN THE COURT OF APPEALS OF IOWA
IN RE THE MARRIAGE OF PAMELA ELLEN WHEELDON
and DONALD CRILEY WHEELDON

Upon the Petition of	)	489
PAMELA ELLEN WHEELDON,	)	
Petitioner-Appellee,	)	
And Concerning	)	
DONALD CRILEY WHEELDON,	)	8-632
	)	<u>88-347</u>
Respondent-Appellant.	)	

Appeal from the Iowa District Court for Wapello County
(No. CD3289-0786), Richard J. Vogel, Judge.

Respondent appeals a dissolution decree, challenging
the division of property and the award of alimony to the
wife. **AFFIRMED.**

John R. Webber, III of McKay & Moreland, Ottumwa, for
the respondent-appellant.

J. W. McGrath, Keosauqua, for the petitioner-appellee.

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

SACKETT, J.

190

We address the challenges of respondent-appellant Donald Criley Wheeldon to the property and alimony provisions of his dissolution decree. We affirm.

Donald, who was forty-eight at time of trial, and petitioner-appellee Pamela, who was forty-three at time of trial, were married in 1964. They had two children, one born in 1967 and one born in 1976. Only the younger child is subject to support. The parties have joint custody of that child. His physical care is with Pamela. Donald was ordered to pay child support of \$80 a week, maintain medical insurance on the child and pay one-half of noncovered medical bills.

A property division was made. Donald was also ordered to pay alimony of \$200 per month, to increase to \$350 per month when child support was no longer payable. The trial court directed the alimony terminate upon Pamela's death, remarriage or cohabitation with anyone of the opposite sex.

I.

Donald contends the property division made by the trial court is not equitable. His major complaint is that his pension plan with Sears was considered in the property settlement and was not properly valued by the trial court. He agrees pension rights should be considered but objects to the trial court valuing his pension rights at \$17,399.01 and considering them at that amount in arriving at what the trial court determined to be an equal property division.

Pensions should be recognized as property subject to division in a dissolution. See In re Marriage of Howell, No. 87-1142, slip op. at 2 (Iowa Jan. 25, 1989). We agree with the trial court's determination Donald's pension should be considered in the property division based on current worth. See In re Marriage of Bevers, 326 N.W.2d 896, 900 (Iowa 1982); In re Marriage of Wheeler, 418 N.W.2d 362, 363 (Iowa App. 1987); In re Marriage of Voss, 396 N.W.2d 801, 803 (Iowa App. 1986); In re Marriage of Jensen, 396 N.W.2d 367, 369 (Iowa App. 1986); In re Marriage of Yates, 365 N.W.2d 49, 51 (Iowa App. 1985); In re Marriage of Byall, 353 N.W.2d 103, 106 (Iowa App. 1984).

Donald's plan has a defined benefit. His interest is derived from the amount of monthly benefits promised at retirement rather than present interest. Valuation is so complicated it requires the services of an actuary. See In re Marriage of Woodward, 426 N.W.2d 668, 670 (Iowa App. 1988). There was no valuation by an actuary. The value given by the trial court to the pension is the actual value supplied by Donald in his answers to interrogatories. Donald now claims, based on testimony as to what he actually would draw and the admission of a statement of the plan, the trial court should have arrived at a different value.

Donald has no basis to complain at this time that the value given by the trial court to the asset is not fair.

The trial court had the right to accept the value given by Donald in his sworn answer to interrogatories. See In re Marriage of Dahl, 418 N.W.2d 358, 360 (Iowa App. 1987). We reject his argument as to the pension valuation.

II.

Donald next contends the alimony award was not equitable. We consider the economic provisions as a whole. In re Marriage of Lattig, 318 N.W.2d 811, 815 (Iowa App. 1982). We consider the dictates of Iowa Code section 598.21(3) and applicable case law. See In re Marriage of Stewart, 356 N.W.2d 611, 612-13 (Iowa App. 1984); In re Marriage of Hayne, 334 N.W.2d 347, 350-51 (Iowa App. 1983). Pamela has annual earnings of \$6,829; Donald has annual earnings of \$25,838. Pamela leaves the marriage at an economic disadvantage. She has only been employed outside the home during the last three years of marriage. Her absence from the job market outside the home resulted in loss of employment and social security benefits. See In re Marriage of Beeh, 214 N.W.2d 170, 174 (Iowa 1974).

We determine the trial court's property division and alimony award to be equitable.

AFFIRMED.