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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE MARRIAGE OF LOIS J. MYERS AND DWAIN R. MYERS

Upon the Petition of	)	
LOIS J. MYERS,	)	Filed November 22, 1978
Appellant,	)	
And Concerning	)	<u>682</u>
DWAIN R. MYERS,	)	2-61246
Appellee.	)	

Appeal from Guthrie District Court - Anthony M. Critelli, Judge.

Petitioner and respondent both appeal economic provisions of divorce decree concerning awards of marital and nonmarital property. - Affirmed.

David E. Green, Carroll, and Gregory J. Siemann, Carroll, for Appellant.

G. Robert Sackett, Perry, for Appellee.

Heard by Oxberger, C.J., and Donielson, Snell, Carter and Johnson, JJ.

PER CURIAM

This appeal concerns the property division under a decree dissolving the 26 year marriage of petitioner Lois Myers and respondent Dwain Myers. Lois appeals from said decree urging that her 55 acre farm should not be considered a marital asset. Dwain appeals urging that his wife's \$18,000 savings account and \$2000 of personalty should be considered marital property. In reviewing economic provisions, we are governed by all of the criteria, except fault, listed in *Schantz v. Schantz*, 163 N.W.2d 398, 405 (Iowa 1968); *In re Marriage of Ward*, 226 N.W.2d 812, 814 (Iowa 1975). Our review is de novo. Rule 4, Rules of Appellate Procedure. We affirm.

Trial court found that the distinguishing feature in treating the farm as a marital asset and the savings account and antiques as non-marital assets was the use to which the property was put. The farm generated funds for meeting the ordinary expenses of the family. The savings account and antiques were not used for family necessities, and in fact, none of the funds in said account have ever been spent.

We find the following language in *Locke v. Locke*, 246 N.W.2d 246, 252-53 (Iowa 1976) to be controlling:

It is our view the value of property inherited by one of the spouses and awarded to him upon dissolution of the marriage is a proper factor to be considered by the court in arriving at the net worth of each party, relative needs of the other and the value of the resources of the parties.

Thus, the needs of the parties are an important consideration. A major portion of Dwain's earnings comes from his farming operation. For many years, Lois' 55 acre farm was an integral part thereof. If this farm is not treated as a marital asset, Dwain's resources will be further eroded making it more difficult for him to pay the court ordered child support. On the other hand, the savings account and antiques were not used as a family asset during the marriage. Trial court's award of this property as a nonmarital asset of Lois is equitable.

We therefore affirm the decree of the trial court. Costs are divided equally and each party shall pay his or her own attorney fees.

AFFIRMED.