FILED
MAY 20 1977
CLERK SUPREME COURT

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IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF CAROLE IRENE JOSEPH and ORVAL L. JOSEPH

Upon the Petition of	)	
CAROLE IRENE JOSEPH,	)	
Appellee,	)	Filed May 20, 1977
And Concerning	)	
ORVAL L. JOSEPH,	)	106 / 2-58079
Appellant.	)	

Appeal from Wright District Court - Newt Draheim, Judge.

Appeal from the economic provisions of a dissolution decree. Modified, affirmed and remanded.

Robert D. Blue of Eagle Grove, for appellee.

Dewayne A. Knoshaug of Clarion, for appellant.

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

PER CURIAM

This is an appeal from the economic provisions of a dissolution decree. Respondent, Orval Joseph, complains of the division made by the trial court of the property of the parties. He also contends that the $275 monthly alimony awarded the petitioner, Carole Joseph, is unjustified.

Our review is de novo. Rule 334, Rules of Civil Procedure. With respect to the economic determination which we make in this case we apply the criteria stated in Schantz v. Schantz, 163 N.W.2d 398, 405 (Iowa 1968), excluding considerations of fault. Precedent is of little value in making such determinations and each case must be decided on its own peculiar circumstances.

In determining individual awards such as property division and alimony it is proper to consider the other financial awards such as child support. In re Marriage of Campbell, 204 N.W.2d 638, 639 (Iowa 1973). Under the trial court's decree, Orval has had the burden of supporting the minor child of the parties since the date of the decree (February 3, 1975) and Carole has not been required to assist in such support. This child will attain his majority on May 23, 1977. Considering this factor and the further fact that upon the existing record Carole's net property award is valued at $12,900 and Orval's award is valued at $3900 we deem the trial court's division of the property to be inequitable. In re Marriage of Willcoxson, 250 N.W.2d 425 (Iowa 1977).

Because the record indicates that Carole views the house awarded to her as unsuitable for her use, we believe that the most practical way of adjusting the property settlement is through sale of the home which, under the original decree, was awarded to Carole. We direct that the decree be modified so as to provide for

sale of the home. Carole shall be responsible for the $98 monthly mortgage payments on the home until the time of sale closing and have the right to occupy the home until said time. The proceeds of the sale shall be applied as follows:

1. In discharge of the existing mortgage obligation on the home as of the date of sale closing.

2. To reimburse Carole for any property taxes paid by her on said home subsequent to the date of the original decree.

3. To reimburse Carole for payments made by her on the loan from Security Savings Bank of Eagle Grove subsequent to the date of the original decree.

4. In discharge of the remaining balance of the loan from Security Savings Bank, which, at the time of the decree, had an approximate balance $1602.

5. Cash payment to Carole of $1500.

6. Any remaining balance to be divided equally between Carole and Orval.

We further direct that the alimony portion of the decree be modified retroactively to the date of the decree so as to provide that until the payment for the month of June, 1977, the monthly alimony payments shall be $200. Any overpayment by Orval may be credited against future payments. Commencing with the payment for July of 1977, said payments shall continue at the rate of $275 per month until Carole remarries or either of the parties dies.

The balance of the decree is affirmed. Without determining Carole's obligation to her attorney for services on this appeal we direct that the sum of $590 be taxed against Orval to apply upon said fees.

The case is remanded for an amended decree in conformance with this decision.