FILED
SEP 29 1981
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA 323

IN RE MARRIAGE OF HENRY N. SCHURING AND BONNIE LOU SCHURING

Upon the Petition of	)	
HENRY N. SCHURING,	)	Filed September 29, 1981
Petitioner-Appellee,	)	
And Concerning	)	1-256 2-65847
BONNIE LOU SCHURING,	)	
Respondent-Appellant.	)	

Appeal from Mahaska District Court. Ira F. Morrison, Judge.

Respondent-wife appeals from the economic provisions of the parties' dissolution decree. AFFIRMED WITH MODIFICATION.

Garold F. Heslinga, of Heslinga & Heslinga, Oskaloosa, Ia., for respondent-appellant.

James K. Marvel, Pella, Ia., for petitioner-appellee.

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

PER CURIAM

Respondent-wife appeals from the provisions of the parties' dissolution decree dividing the marital assets. We modify trial court's judgment.

In our **de novo** review of this case, our duty is to determine whether the property division was equitable and just under the circumstances. In re Marriage of Cooper, 225 N.W.2d 915, 919 (Iowa 1975).

It is reasonable and equitable for a trial court to award the family farm to the spouse who operated it, and to fix the schedule of payments to the other spouse without reaching 50-50 equality so that the farmer-spouse may retain ownership. In re Marriage of Callenius, No. 64389, ___ N.W.2d ___ (Iowa, Aug. 26, 1981). In re Marriage of Anderson, 243 N.W.2d 562, 564 (Iowa 1976). In this case, respondent was awarded $90,000 as her share of the parties' assets. Petitioner received the farm machinery and livestock, but the value of these assets was approximately equal to outstanding debts against them. However, the record shows that the farm, the parties' only other major asset, was valued at $375,000 at the time of trial and had an encumbrance of only $58,000.

From our review of the record in this case, we find no fragile financial circumstances, a factor which the court used in Callenius to uphold an award of only $225,000 to the wife from the parties' net worth of $900,000. Thus, in light of the factors which must be considered in determining an equitable property division, we conclude trial court's award should be modified to provide respondent an additional $30,000. The $120,000 award shall be payable as follows: $20,000 within 60 days of the date that procedendo issues in this case and the balance thereof in $10,000 annual payments commencing November 1, 1982, and continuing each November 1 thereafter until the total amount of $120,000 is paid. Interest of ten percent per annum shall be paid on any unpaid balance commencing 60 days after issuance of procedendo in this case.

Costs shall be taxed equally to each party.

AFFIRMED WITH MODIFICATION.

All judges concur except Donielson, J., who dissents.

DONIELSON, J. (dissenting)

I dissent. My de novo review indicates that the trial court's property division was both equitable and just. I would have decided this case in a manner consistent with In re Marriage of Callenius, No. 64389 (Iowa, filed Aug. 26, 1981), and thereby affirmed the trial court.