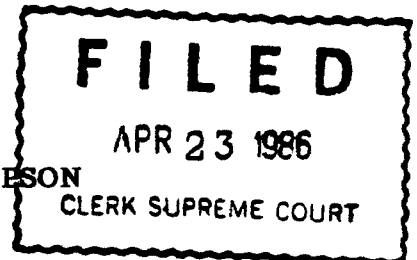


IN THE COURT OF APPEALS OF IOWA
IN RE THE MARRIAGE OF CONSTANCE J. THOMPSON
AND KENNETH C. THOMPSON



Upon the Petition of
CONSTANCE J. THOMPSON,

Petitioner-Appellee,

And Concerning
KENNETH C. THOMPSON,

Respondent-Appellant.

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Filed April 23, 1986

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Appeal from the Iowa District Court for Black Hawk County (No. 33486)
- Dale S. Missildine, Judge.

Petitioner appeals from his dissolution decree. **AFFIRMED AS MODIFIED.**

David H. Correll, of Price, Correll, & Sheerer, Cedar Falls, for the
respondent-appellant.

D. Quinn Martin, of Martin, Nutting, Miller, Keith & Pedersen, Waterloo,
for the petitioner-appellee.

Considered by Snell, P.J., and Schlegel, and Sackett, JJ.

SACKETT, J.

The parties, Constance Thompson and Kenneth Thompson, were married in 1962. They had two children both of whom are emancipated. At the time of trial Kenneth was 41; Constance, 40. Constance was employed part-time as a county court attendant and earned approximately \$120 a week. Kenneth was employed by the Illinois Central Gulf Railroad and should earn approximately \$465 weekly, based on a five-day work week.

At the time of trial the parties had a personal residence with \$14,000 equity, several motor vehicles, household goods and personal property.

The trial court divided the personal property and awarded the home to both parties, but provided Constance could live there under certain specified conditions for ten years following the date of the decree. The trial court also ordered Kenneth to pay Constance \$650 per month alimony.

Kenneth has appealed contending (1) it is inequitable to allow Constance to live in the family home for ten years following the date of the dissolution decree, and (2) the alimony award is excessive.

Our review is de novo. Iowa R. App. P. 4. We give weight to the fact findings of the trial court, especially when considering the credibility of the witnesses, but are not bound by them. Iowa R. App. P. 14(f)(7); In re Marriage of Stewart, 356 N.W.2d 611, 612 (Iowa App. 1984).

I.

Kenneth contends it was inequitable for the trial court to allow Constance to occupy the family home for ten years following the date of the entry of the decree. We agree.

Iowa Code section 598.21(g)(1985) provides that in an order for disposition of property and support the court may consider the desirability of awarding

the right to live in the family home for a reasonable period to the party having custody or physical care of the children. The children of this marriage are emancipated. Consequently, section 598.21(g) is inapplicable to this case.

Where possible a trial court should divide assets in a dissolution decree rather than decree joint ownership of assets. Joint ownership of assets frequently result in problems at a later date. In re Marriage of Mentel, 359 N.W.2d 505, 506 (Iowa 1984).

We modify the trial court's order to remove the provision allowing Constance to remain in the family home following the date of the dissolution.

II.

Kenneth contends the alimony award made by the trial court was inequitable. We agree.

Constance was eighteen and unemployed at the time of the marriage. Constance worked for fourteen years in the marriage as a school bus driver. She testified she left that job because of a buzzing sensation in her hands. Although Constance still claims to have similar problems, her doctors find no physical reasons for the complaints.

Constance does not claim to have suffered economic disadvantage during the marriage. She was employed full time during a majority of the marriage.

Constance does indicate she would like to attend the area college. She claims Kenneth has pension rights, however, the record is silent as to the amount of the pension benefits. Constance also claims she needs more money than what she earns to live.

While affirming Constance's need for alimony, we determine the amount awarded is excessive. We reduce the award to \$300 per month payable for a period of ten years. In all other respects the decree of the trial court is affirmed.

AFFIRMED AS MODIFIED.