FILED
JAN 25 1979
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

**IN RE THE MARRIAGE OF LORRAINE ANN RYDER and FRANCIS ANTHONY RYDER**

Upon the Petition of )
**LORRAINE ANN RYDER,** )
Petitioner-Appellee, ) Filed January 25, 1979
And Concerning )
**FRANCIS ANTHONY RYDER,** ) 776
2-61767
Respondent-Appellant. )

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Appeal from Pottawattamie District Court - Paul H. Sulhoff, Judge.

Husband appeals trial court's division of property and award of alimony in dissolution decree. Affirmed as modified.

Lyle A. Rodenburg, of Council Bluffs, counsel for appellant.

John D. Sens, of Council Bluffs, counsel for appellee.

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

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DONIELSON, J.

Respondent Francis Ryder appeals the property settlement provisions of the decree dissolving his 26-year marriage to petitioner Lorraine Ryder. Specifically, Francis appeals the provisions awarding Lorraine possession of the parties' home until she remarries or moves, and requiring him to pay as alimony the mortgage, property taxes and insurance on the house.

Our review is **de novo.** Rule 4, Rules of Appellate Procedure. See In re Marriage of Winegard, 257 N.W.2d 609, 613 (Iowa 1977). The criteria for reviewing property settlement awards is contained in Schantz v. Schantz, 163 N.W.2d 398, 405 (Iowa 1968) as modified by In re Marriage of Williams, 199 N.W.2d 339, 345-6 (Iowa 1972). Precedents are of little value in determining what is a fair division of assets between the parties to a dissolved marriage. In re Marriage of Kehrli, 241 N.W.2d 923, 926 (Iowa 1976). Each case is dependent upon its own facts. In re Marriage of Romig, 207 N.W.2d 780, 783 (Iowa 1973). While we give weight to the trial court's findings of fact, we are not bound by them. Rule 14(f)(7), R. App. P.; **Winegard,** supra.

Our **de novo** review of the evidence and application of the **Schantz** criteria leads us to the conclusion that some modification of the property settlement and alimony award is appropriate. Consequently, we find that the provisions of the decree as determined by the trial court shall remain in force until the parties' youngest child turns 18. At that time, the main asset of the parties', the Council Bluffs house, is to be sold, with the proceeds to be divided equally between the parties. After the house is sold, Francis will be required to pay $250 each month to Lorraine as alimony. Such alimony payments are to continued to be paid to Lorraine until such time as she dies or remarries.

Attorney fees for this appeal are sought by Lorraine. Francis shall pay $297.50 towards the attorney fees incurred by Lorraine on appeal; such provision in no way fixes the amount to be charged by the attorneys. In re Marriage of Peterson, 227 N.W.2d 139, 142 (Iowa 1975).

We affirm with the modifications as outlined above and remand for entry of the provisions in the decree.

AFFIRMED AS MODIFIED.