FILED
JUN 24 1977
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF SHARON WENZL AND LARRY WENZL

Upon the Petition of)
SHARON WENZL,) Filed June 24, 1977
Appellant,)
And Concerning) 124
LARRY WENZL,) 2-58712
Appellee.)

Appeal from Clay District Court - Murray S. Underwood, Judge.

Petitioner appeals from economic provisions of the dissolution decree. Affirmed.

Rosemary S. Sackett, of Sackett, Sackett & Hemphill, of Spencer, for Appellant.

Stephen F. Avery, of Cornwall & Avery, of Spencer, for Appellee.

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

PER CURIAM

Petitioner, Sharon Wenzl, and respondent, Larry Wenzl, were married in San Francisco, California on June 2, 1972 and separated sometime in July, 1973. After a lengthy but unsuccessful reconciliation period a hearing was held on August 20, 1975 and on August 29, 1975 the court filed its findings of facts and decree dissolving the parties' marriage. Petitioner appeals from the property settlement and alimony provisions of the dissolution decree.

Our review is de novo. In matters of property settlements and alimony we are guided by the criteria set forth in Schantz v. Schantz, 163 N.W.2d 398, 405 (Iowa 1968) except that the fault concept has been eliminated by In re Marriage of Williams, 199 N.W.2d 339, 345-46 (Iowa 1972). Further, precedents are of little value, and determination of what is right depends upon the facts of each case. 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 344(f)(7), Rules of Civil Procedure.

At the time of the marriage, respondent, age 37, was a bank president earning approximately $29,000 per year. Petitioner, age 33 and a legal secretary, was currently working at the same bank earning about $365 per month. It was the second marriage for both. Petitioner had a son by a prior marriage and received $100 per month child support. Respondent was required to pay $250 per month alimony to his former wife and $350 child support for his two children under his decree. Petitioner stopped working upon her remarriage. Both parties were in relatively good physical and mental condition.

For all practical purposes, this marriage lasted only one year. Respondent moved out of the house in July, 1973. No children were born during this union, and the life expectancy of the parties is relatively the same. Neither party made any extraordinary sacrifice during the marriage except that respondent made repeated attempts at conciliation in order to save the marriage. Further, there was no significant property accumulated during this period.

At the time of the hearing, respondent earned about $38,200; petitioner was unemployed. Her doctor testified she suffered emotional problems largely as a result

of the marital tension which rendered it inadvisable for her to seek employment in the immediate future. However, the trial court concluded that she was able to hold employment, but had found none by the time of trial.

The trial court awarded petitioner the 120 shares of bank stock in her name, a 1972 Thunderbird, her clothing and personal effects, as well as the majority of the household goods. Sharon also was to receive alimony of $200 per month for 15 months, until remarriage, or the death of either party, whichever shall first occur. Respondent was awarded title to the parties' residence which was awarded to him as part of the property settlement in his first marriage. He received all other property and was ordered to pay all the debts except an $11 shoe bill and a $100 check overdraft. He was also ordered to pay court costs and $450 of Sharon's attorney fees.

Petitioner argues that the trial court erred in not awarding her a one-half interest in the parties' residence as well as additional alimony for a longer period of time. After a review of the record and the **Schantz** criteria, we find that complete title to the parties' residence was properly awarded to respondent. He received title to the residence as part of the property settlement from his first marriage and made the mortgage and tax payments during the two-year separation prior to the dissolution hearing.

We also feel the alimony was justified under the facts of the case for the duration determined by the trial court.

AFFIRMED. Costs assessed to appellant.