FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF JANE ANNE WELLS AND LYLE EDWARD WELLS

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Upon the Petition of	)	
JANE ANNE WELLS,	)	Filed March 9, 1988
Petitioner-Appellee,	)	
And Concerning	)	
LYLE EDWARD WELLS,	)	7-518 87-577
Respondent-Appellant.	)	

Appeal from the Iowa District Court for Appanoose County (CD 450-0785), Richard J. Vogel, Judge.

Respondent appeals the decree of dissolution rendered by the trial court.

AFFIRMED.

Allan C. Orsborn of Keith & Orsborn, Ottumwa, for respondent-appellant.

Timothy J. McKay of McKay & Moreland, Ottumwa, for petitioner-appellee.

Considered by Hayden, P.J., and Sackett and Habhab, JJ.

PER CURIAM

Respondent, Lyle Edward Wells, appeals the decree of dissolution rendered by the trial court. He asserts the court erred by placing physical care of the parties' adopted daughter, Bethany, with petitioner, Jane Anne Wells, and in its disposition of the parties' property and debts.

Since no hard and fast rules govern custody and economic issues in dissolution actions, our decision ultimately depends on the particular facts relevant to each issue. In re Marriage of Vrban, 359 N.W.2d 420, 423 (Iowa 1984). 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 witnesses, but we are not bound by them. Iowa R. App. P. 14(f)(7).

I. Physical Care. Our decision regarding physical care is ultimately made by determining under the whole record which parent can minister more effectively to the long-range best interests of Bethany. In re Marriage of Bowen, 219 N.W.2d 683, 687-88 (Iowa 1974). In reaching our decision, we take into account the factors enumerated in In re Marriage of Winter, 223 N.W.2d 165 (Iowa 1974), as follows:

> 1. The characteristics of each child, including age, maturity, mental and physical health.
> 2. The emotional, social, moral, material, and educational needs of the child.
> 3. The characteristics of each parent, including age, character, stability, mental and physical health.
> 4. The capacity and interest of each parent to provide for the emotional, social, moral, material, and educational needs of the child.
> 5. The interpersonal relationship between the child and each parent.
> 6. The interpersonal relationship between the child and its siblings.
> 7. The effect on the child of continuing or disrupting an existing custodial status.
> 8. The nature of each proposed environment, including its stability and wholesomeness.
> 9. The preference of the child, if the child is of sufficient age and maturity.
> 10. The report and recommendation of the attorney for the child or other independent investigator.
> 11. Available alternatives.

12. Any other relevant matter the evidence in a particular case may disclose.

Id. at 166-67.

Our review of the record in light of these factors leads us to conclude the trial court did not err in granting physical care of Bethany to Jane. Jane has been primarily responsible for taking care of Bethany's daily needs since Bethany's birth and it is not disputed Jane is a good mother. Although the record reflects past infractions by Jane on Lyle's visitation rights, we find the preponderance of those infractions have been provoked by Lyle. His payment of child support has been sporadic, at best; and he has exhibited an explosively hot temper, as evidenced by his conviction for criminal mischief for ramming the parties' Jeep, possessed by Jane, through her brother's garage door with the vehicle possessed by him (Lyle). Another manifestation of the immaturity of Lyle's temperament is his recent drunk driving conviction. It is our conclusion, therefore, the trial court was correct in determining Jane could minister more effectively to the long-range best interests of Bethany.

II. **Property and Debt Disposition.** The trial court awarded Lyle all the farmland owned by the parties subject to the indebtedness against it. Lyle asserts this indebtedness vastly exceeds the value of the land and that it is inequitable to allocate all of this debt to him. He contends it should be divided in the same manner as marital assets.

We find Lyle's finances to be muddled; and we are concerned they might be partially contrived, as well. The farmland at issue is apparently owned by Lyle in partnership with his brothers and his father. His father holds a $250,000 mortgage on part of this property. However, we find it significant that of the four $250,000 mortgages executed individually by Lyle and his brothers, only Lyle's has been recorded. The date of this recordation occurred five days after

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the commencement of this action. The trial court found Lyle's finances to be "incomprehensible as explained." And it clearly did not find Lyle's testimony regarding these farmland debts to be particularly credible. Nor do we. We conclude the trial court did not err by awarding Lyle the parties' farmland subject to any indebtedness against it.

Lyle also contests the award of the parties' Jeep to Jane. This Jeep was purchased primarily with funds from a trust fund set up for Jane by her grandfather. We conclude the trial court did not err by awarding Jane this vehicle.

AFFIRMED.