OCT 19 1978
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE MARRIAGE OF VICKI LYNN ZEISER & MARTIN JOSEPH ZEISER

Upon the Petition of	)	
VICKI LYNN ZEISER,	)	Filed October 19, 1978
Appellee,	)	
And Concerning	)	668 / 3-61675
MARTIN JOSEPH ZEISER,	)	
Appellant.	)	

Appeal from Linn District Court - Harold J. Swailes, Judge.

Respondent appeals custody and property provisions of dissolution decree. - Affirmed in part and modified in part.

Jon M. Kinnamon and Walter L. McNamara, Cedar Rapids, for Appellant.

Robert C. Nelson, Cedar Rapids, for Appellee.

Heard by Donielson, C.J., and Snell, Oxberger and Carter, JJ.

PER CURIAM

Respondent Martin Zieser appeals dissolution decree granting custody of three children to petitioner Vicki Zieser and assessing certain economic obligations against respondent. We affirm the custody decision and modify the property settlement.

The parties had been married for 8 1/2 years at the time of the decree. They have three children - Kimberly, Cara and Bradley. Evidence shows that the children are healthy and well-adjusted. Both parents love the children and are capable of providing for their needs. Although we are not bound by the findings of the trial court, we give them weight. See In re Marriage of Callahan, 214 N.W.2d 133, 136 (Iowa 1974). We agree with the trial court that the best interests of the children will be served by placing their custody with Vicki. She was primarily responsible for raising the children prior to the divorce. There is no evidence that her relationship with another man has had a detrimental effect on the children. Custody must not be withheld from a parent as punishment for moral misconduct. See In re Marriage of Forest, 201 N.W.2d 728 (Iowa 1972).

Both parties agree that the custodial parent should be granted occupancy of the family residence in Palo. Martin contends, however, that it is inequitable to require him to make the mortgage payments on the premises. Vicki was ordered to pay the taxes and insurance on the home and to keep it in good repair. In the event that the property is sold, the proceeds after payment of the mortgage are to be divided equally. We think the monthly payments of $209 on the house should be shared equally - Vicki and Martin should each pay $104.50. We affirm that portion of trial court's decision ordering Martin to pay the costs of the action and the fees of the attorney for the children.

Affirmed in part and Modified in part.