FILED
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CLERK SUPREME COURT

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IN THE COURT OF APPEALS OF IOWA

UPON THE PETITION OF	)	
JAMES D. SHULTS,	)	Filed February 28, 1978
Appellant,	)	
And Concerning	)	425
KAREL M. SHULTS,	)	3-61089
Appellee.	)	

Appeal from Poweshiek District Court - Ira F. Morrison, Judge.

Petitioner father appeals provision granting custody of one child to him and other child to respondent and provision regarding the residence. - Affirmed.

Barry S. Kaplan, of Fairall, Fairall & Baker, Marshalltown, for Appellant.

Michael W. Mahaffey, Montezuma, for Appellee.

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

PER CURIAM

Petitioner James Shults appeals the portion of the dissolution decree giving respondent Karel Shults custody of one of the parties' two minor daughters and possession of the parties' house and the first $10,000 realized on any future sale of the house. On appeal, James contends he should be awarded custody of both children and that the house should be sold immediately with the proceeds divided equally.

Our review is de novo. Rule 4, Rules of Appellate Procedure. In resolving custody disputes, we are guided by the criteria set forth in In re Marriage of Winter, 223 N.W.2d 165, 166-67 (Iowa 1974). Our primary concern is the best interests of the children. Rule 14(f)(15), R. App. P. In matters of property settlements we are guided by the criteria announced 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, 345-46 (Iowa 1972). In either instance, precedents are of little value, and determinations of what is right depends upon the facts of each case. Accordingly, we give weight to the trial court's findings of fact, but are not bound by them. Rule 14(f)(7), R. App. P.

The parties were married on December 13, 1958. There are two minor children, Wanda, age 15, and Debra, age 16, who are affected by this action. At the time of the initial separation both girls remained with their mother. However, Wanda and Debra began fighting and eventually Wanda went to live with her father. During the course of the trial, the court examined both Wanda and Debra as to their choice of custodial parent. Both stated they wanted to live with their father. However, each was unsure as to her own ability to get along with the other. The trial court split custody between the Shultses; James was given custody of Wanda and Karel custody of Debra.

The general rule in this jurisdiction is that siblings should not be separated and lose the benefit of constant association with one another without showing good and compelling reasons. Doan Thi Hoang Anh v. Nelson, 245 N.W.2d 511, 517 (Iowa 1976); In re Marriage of Woodward, 228 N.W.2d 74, 75-6 (Iowa 1975). Further, the wishes of the child, though not controlling, are entitled to some weight.

Woodward, supra at 76. Although the trial court granted custody of Debra to Karel, in spite of her expressed desire to live with her father, we find there are good and compelling reasons to support such a disposition.

Both James and Karel are loving parents and each wants custody of Debra. In fact, Karel expressed a deep desire to have custody of Wanda, but knew that she would probably be happier with her father. The difficulties which have arisen between Debra and her mother are in a large part attributable to the dissolution itself. It was not until the night before the actual hearing that Debra expressed a desire to live with her father. Neither Debra nor Wanda could assure the trial court that should they be re-united, their relationship would be harmonious. Under the facts of the case, the record justifies the split custody decreed by the trial court.

The second issue on appeal concerns the disposition of the parties' residence. The trial court awarded possession of the family home to Karel for so long as she occupies it as her residence. She is responsible for the upkeep and utilities; James is responsible for the real estate taxes and the insurance. Whenever Karel ceases to occupy the home as her residence, it is to be sold with the first $10,000 given to Karel and the remaining proceeds divided equally. On appeal, James asks this court to modify the decree to provide for immediate sale and an equal division of the proceeds. We modify this provision to the extent that in the event of Karel's remarriage the home shall also be sold and the proceeds divided as provided by the trial court upon her ceasing to occupy it as her residence.

From a review of the record, we are convinced the trial court correctly applied the **Schantz** criteria. As an apparent set-off the trial court awarded the 1/3 interest in the plumbing corporation to James. Testimony placed a $10,000 valuation on this one-third interest. The remaining items were distributed evenly. The Shultses had been married 18 1/2 years and no alimony was awarded.

The decree of the trial court awarding custody of Debra to Karel is affirmed as is the disposition of the family residence as modified.