FILED
SEP 9 1977
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF LINDA ANN WIEBKE and GORDON DEAN WIEBKE

Upon the Petition of

LINDA ANN WIEBKE,

Appellee,

And Concerning

GORDON DEAN WIEBKE,

Appellant.

Filed September 9, 1977

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3-60374

Appeal from Polk District Court - Gibson C. Holliday, Judge.

Respondent appeals from the child custody provision of a marriage dissolution decree. Affirmed.

Raymond J. Gazzo, of Coppola, Trout, Taha & Gazzo, of Des Moines, for appellant.

Nolden Gentry, of Scalise, Scism, Gentry, Brick & Brick, of Des Moines, for appellee.

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

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PER CURIAM

Respondent, Gordon Dean Wiebke, appeals from the provision of a marriage dissolution decree which awarded to petitioner, Linda Ann Wiebke, the custody of their minor children, Shawn Fremont and Kimberly Kay. Our review is de novo.

The issue is whether the award of custody is in the best interests of the children. Rule 14(f)(15), Rules of Appellate Procedure. The principles applicable to resolving custody are summarized in In re Marriage of Winter, 223 N.W.2d 165, 166-67 (Iowa 1974). While we accord weight to trial court's findings of fact because the trial judge heard and observed the witnesses first-hand, we are not bound by them. Rule 14(f)(7), R. App. P.; In re Marriage of Snyder, 241 N.W.2d 733 (Iowa 1976); In re Marriage of Callahan, 214 N.W.2d 133, 136 (Iowa 1974).

From our examination of the record we find that both Linda and Gordon love their children, both have demonstrated concern for the children's care and needs, and that each is fit to be the custodial parent. We are satisfied, however, trial court did not err in awarding custody of Shawn and Kimberly to Linda. Although the evidence is close and without a compelling preponderance in favor of Linda, the record supports the difficult choice trial court was required to make.

AFFIRMED.