

IN THE COURT OF APPEALS OF IOWA

No. 5-232 / 94-1144

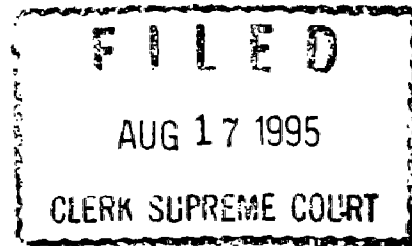
**STATE OF IOWA, ex rel.,
KATHY THOMAS,**

Petitioner-Appellee,

vs.

GAYREY WHITFIELD,

Respondent-Appellant.



Appeal from the Iowa District Court for Sioux County, Robert C. Clem, Judge.

Gayrey Whitfield appeals from an order establishing accrued support under his Mississippi dissolution decree pursuant to a URESA (uniform reciprocal enforcement action) petition filed by the State of Mississippi. **AFFIRMED.**

P. D. Furlong of P. D. Furlong, P.C., Sioux City, for appellant.

Thomas J. Miller, Attorney General, Gordon E. Allen, Deputy Attorney General, and Robert R. Huibregtse, Assistant Attorney General, for appellee.

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

SACKETT, J.

Respondent-appellant Gayrey Whitfield appeals from an order establishing his responsibility for child support under a Mississippi decree. The only issue raised is the trial court incorrectly found child support due. We affirm.

In February 1979, Gayrey and petitioner-appellee Kathy Thomas were divorced and custody of a child of the marriage, Jamie, was granted to Kathy. Gayrey was ordered to pay child support of \$75 per month. In January 1993, a petition was filed in Iowa under the Uniform Support of Dependents Law. Iowa Code § 252A.1 et seq. (1993). After a hearing, the trial court found Gayrey delinquent in support payments of \$12,012 and ordered it be paid in monthly installments of \$142.

On appeal, Gayrey contends the trial court made an incorrect factual finding when it determined he had not paid the child support. The burden of proving a judgment has been paid is on the judgment debtor. *Broyles v. Iowa Dep't of Social Servs.*, 305 N.W.2d 718, 723 (Iowa 1981); *see also Dwyer v. Clerk of the Dist. Court*, 404 N.W.2d 167, 170 (Iowa 1987). There was conflicting evidence concerning whether the payments were made. Gayrey was not able to show any canceled checks or money orders to document his claim. The trial court found the testimony of alleged payments not credible.

Gayrey contends we review de novo. The State does not challenge this contention. We review de novo. Iowa R. App. P. 4. We have a duty to examine the

entire record and adjudicate anew rights on the issues properly presented. *In re Marriage of Steenhoek*, 305 N.W.2d 448, 452 (Iowa 1981). We give weight to the fact findings of the trial court, especially when considering the credibility of witnesses, but are not bound by them. Iowa R. App. P. 14(f)(7). Our de novo review of the record leads us to the same factual conclusion as the one reached by the trial court.

AFFIRMED.