

IN THE COURT OF APPEALS OF IOWA

No. 6-713 / 95-2219

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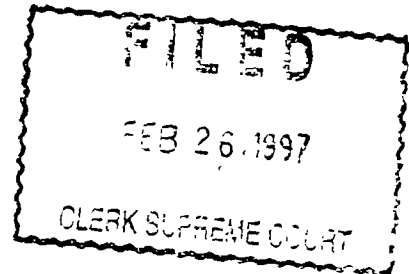
**IN RE THE MARRIAGE OF LAURA
L. BURNS AND MICHAEL J. BURNS**

**Upon the Petition of
LAURA L. BURNS,**

Appellee,

**And Concerning
MICHAEL J. BURNS,**

Appellant.



Appeal from the Iowa District Court for Linn County, L. Vern Robinson,
Judge.

Michael Burns appeals the district court's calculation of the parties' net
monthly incomes for purposes of child support in this modification action.

AFFIRMED AS MODIFIED.

Eric Borseth of Borseth, Genest, & Nasse Law Office, Des Moines, for
appellant.

Laura L. Tiedtke (Burns), Cedar Rapids, pro se, appellee.

Considered by Sackett, P.J., Cady and Streit, JJ.

PER CURIAM

This is an appeal by Michael Burns claiming the district court improperly calculated the parties' net monthly incomes for purposes of child support. We affirm as modified by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

Our review in this equity action is de novo. Iowa R. App. P. 4. We give weight to the 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).

Michael and Laura Burns' marriage was dissolved in February 1992. Laura was awarded the primary care of the parties' two children and Michael was ordered to pay child support in the amount of \$653 per month. In December 1993 Michael filed a petition for modification of the dissolution decree. The district court entered a ruling following an extensive hearing on the issues of custody and support. The custody provisions of the modification action placed one child in each parent's primary care. This arrangement is not at issue.

In regard to child support, the district court found that Michael's net monthly income is \$2,812. The court found Laura's income is "meager and quite unsteady." However, the court also noted that Laura can manipulate her income to some extent due to the nature of her work. Consequently, the court determined that for child support purposes Laura's net monthly income would be deemed to be between \$601 and \$700 per month. We find no reason to disturb these findings on appeal.

We do however modify the amount of child support ordered. Michael's child support obligation under the guidelines for one child is \$644 (22.9% of \$2812). Laura's child support obligation for one child is \$81 (13.4 % of \$601). Offsetting those amounts, Michael's child support obligation should be \$563 per month.

We modify the district court's ruling to the extent that Michael is ordered to pay the sum of \$563 per month for the support of the minor children.

AFFIRMED AS MODIFIED.