IN THE COURT OF APPEALS OF IOWA

No 5-708 / 94-1951

IN RE THE MARRIAGE OF VICKI JO WOLKEN AND RONALD LEE WOLKEN

Upon the Petition of
VICKI JO WOLKEN,
Petitioner-Appellee,

And Concerning
RONALD LEE WOLKEN,
Respondent-Appellant.

Appeal from the Iowa District Court for Marshall County, Carl D. Baker, Judge.

Ronald Wolken appeals the personal property distribution made in the parties' dissolution decree. **AFFIRMED.**

Douglas W. Beals of Welp, Harrison, Brennecke & Moore, Marshalltown, for appellant.

Susan S. Klaessy of Fairall, Fairall, Kaplan, Hoglan, Condon & Klaessy, Marshalltown, for appellee.

Heard by Hayden, P.J., and Sackett and Huitink, JJ.

HUITINK, J.

Ronald Lee Wolken appeals from the district court's decree dissolving his marriage to Vicki Jo Wolken. We affirm.

Vicki and Ronald began living together in 1974. They were married in 1985. At the time this matter was tried, Vicki lived in Marshalltown. Ronald was incarcerated in a federal correctional facility.

The Wolkens have three children. All three reside with Vicki at her home in Marshalltown. Their custody and support are not an issue.

At trial Ronald requested an award of 110 items of personal property itemized on respondent's Exhibit A. These items included a number of tools, clothing, and sports equipment. Vicki denied that some of these items existed and testified that some were lost or stolen over the course of the marriage. She also identified those items on the list that she claimed were her property.

The district court determined the items on the list that could be found were of no value. The court also provided that Vicki would not be required to reimburse Ronald for the replacement cost of any lost or stolen property. Vicki was awarded all of the personal property in her possession. Ronald was ordered to reimburse Vicki for the expenses she incurred to ship his clothing and personal effects to his place of incarceration.

Ronald's appeal is limited to the equity of the district court's property division. He argues that he should be awarded the personal property itemized on his trial exhibit

or alternatively that Vicki should be ordered to reimburse him for the replacement cost of this property.

Our review of this equitable proceeding is de novo. Iowa R App. P 4 We give weight to the district court's findings of fact, but we are not bound by them. Iowa R. App. P. 14(f)(7).

The partners in a marriage are entitled to a just and equitable share of hte property accumulated through their joint efforts. *In re Marriage of Russell*, 473 N.W.2d 244, 246 (Iowa App. 1991). An equal division is not required. *Id.* The controlling factor is what is fair and equitable in each circumstance. *Id.*

This is a nine-year marriage during which the parties accumulated a modest amount of property. Both the extent and value of the property at issue were disputed. Vicki provided a reasonable explanation as to what personal property remained after Ronald left the home. We, like the district court, find her testimony on this issue more credible than Ronald's. Moreover, Vicki has assumed the burden of supporting the children. Any requirement that she reimburse Ronald for his claimed share of this property would be an undue financial burden for her.

The district court equitably divided the Wolkens' personal property. We accordingly affirm. Costs of this appeal are taxed to Ronald Wolken.

AFFIRMED.