

IN THE COURT OF APPEALS OF IOWA

No. 1-532 / 91-398

IN RE THE MARRIAGE OF COLLEEN VRY AND LARRY VRY

Upon the Petition of

COLLEEN VRY,

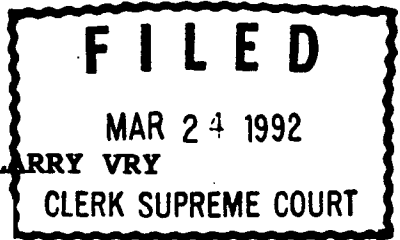
Petitioner-Appellant,

And Concerning

LARRY VRY,

Respondent-Appellee.

371



Appeal from the Iowa District Court for Marshall County, M.D. Seiser, Judge.

Colleen appeals from a district court ruling quashing her garnishment of Larry's bank account and determining that Larry had overpaid his child support obligation.

AFFIRMED.

W.J. Latham, Jr. of Johnson, Sudenga, Latham & Peglow, Marshalltown, for appellant.

Barry S. Kaplan and David Peters of Fairall, Fairall, Kaplan, Hoglan, Condon & Klaessy, Marshalltown, for appellee.

Considered by Oxberger, C.J., and Sackett and Habhab, JJ.

PER CURIAM

The issue in this appeal is whether respondent-appellee Larry Vry is delinquent in his child support obligations to petitioner-appellant Colleen Vry. The trial court referred the matter to a special master who found Larry had overpaid in the amount of \$798.67. The trial court adopted the master's findings. Colleen appeals. We affirm.

The parties' marriage was dissolved in December 1976. Colleen was granted custody of two children, and Larry was ordered to pay child support. The decree was modified in January 1988, increasing Larry's support obligation. In June 1990, Colleen obtained an execution and garnished Larry's bank account for \$949.92. Larry asked for a hearing seeking to quash the garnishment, contending he was current in his obligations. After hearing the evidence, the trial court found Larry had overpaid his support in the amount of \$1,650.

Colleen filed a motion for a new trial. The motion was granted, and the clerk of the Marshall County District Court was appointed a special master. Provision for the appointment of a special master is made in Iowa R. Civ. P. 207 through 214. The proceeding was held before the master. The master reported to the trial court. Colleen filed a motion for enlargement and amendment of the special master's report. The master amended her findings. The trial court then found that Larry's support was overpaid by \$798.67. Colleen has appealed from that order.

Colleen's first complaint is that payments Larry voluntarily made were credited against future support. During some months Larry paid more support than the decree ordered him to pay. The payments were made through the clerk of court. Colleen cites no legal authority in support of this proposition in her brief. Failure to cite authority in support of an argument may be deemed a waiver on that issue. Vaughn v. Ag Processing, Inc., 459 N.W.2d 627, 638 (Iowa 1990); Ellwood v. Mid States Commodities, Inc., 404 N.W.2d 174, 178 (Iowa 1987). We find no authority or valid reason not to give Larry credit for child support paid in advance through the clerk of court.

Colleen's next contention is the trial court incorrectly allowed Larry credit for payments made in 1980 and 1981, because the payments were not made through the clerk of court. Again, Colleen provides no legal authority to support this proposition in her brief. The current law requiring payments be made through the clerk was not enacted until 1985. Acts 1985 (71 G.A.) ch. 178, § 8. We find no basis for Colleen's argument the trial court and master incorrectly determined this issue.

Colleen's third argument is that delinquent payments should have been first credited to interest and then to support due. Because we agree with the trial court Larry is overpaid, we do not find it necessary to address this issue. We affirm.

AFFIRMED.