

IN THE COURT OF APPEALS OF IOWA

FILED

JAN 24 1984

CLERK SUPREME COURT

IN RE THE MARRIAGE OF LEE WARREN CASLAVKA AND DEBRA ANN CASLAVKA

Upon the Petition of)

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LEE WARREN CASLAVKA,)

Petitioner-Appellant,)

Filed January 24, 1984

And Concerning)

DEBRA ANN CASLAVKA,)

3-424

Respondent-Appellee.)

83-412

Appeal from the Iowa District Court for Tama County - Harold J. Swailes,
Judge.

Petitioner husband appeals from certain economic provisions of the parties'
dissolution decree. AFFIRMED.

Jared O. Bauch of Bauch Law Office, Traer, for petitioner-appellant.

Richard N. Carlson of Fairall, Fairall, Kaplan & Condon, Marshalltown, for
respondent-appellee.

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

DONIELSON, P.J.

Petitioner husband appeals from certain economic provisions of the parties' dissolution decree. He claims that it was inequitable to award respondent wife a minimum cash settlement of \$7500 out of the equity of the marital home which was ordered to be sold and that the trial court failed to consider various cash contributions made by him. We affirm.

Lee and Debra Caslavka were married in 1979, when Lee was 23 years old and Debra was 19. No children were born of the marriage. Lee works in his family's feed store, earning about \$18,000 a year. His family gave him 104 shares of stock in the feed store corporation during the parties' marriage. The stock has increased in value from \$43,000 to \$60,000. Debra is a beautician, earning about \$12,000 a year.

During the marriage, the parties lived in the house Lee bought in 1978 for \$47,500 with a \$1,500 down payment. When the parties separated in 1981, Lee moved out of the house but continued to make the mortgage payments. Lee moved back into the house in 1982, and the two remained there till the time of trial. The house was appraised at \$44,500 by Lee's expert and at \$68,500 by Debra's expert.

The trial court awarded Lee his personal effects and bank accounts, his Buick, his stock in the family corporation and certain household goods; the court also directed him to pay the parties' debts. The court awarded Debra her personal effects and bank accounts, the parties' Dodge, and certain household goods. The court also determined that the parties' house should be sold because of the large discrepancy in the appraised values. The net proceeds were to be equally divided. Debra's share was to be no less than \$7,500, with Lee making up any difference. Lee brought this appeal.

Upon examination of the record, we find no reason to disturb the provisions of the decree in this case. First, we reject Lee's claim that the trial court failed

to consider his cash contributions. We are given no basis for concluding that the court did not consider all the relevant criteria found in Iowa Code section 598.21(1); in fact, the court specifically referred to its adherence to the statutory guidelines. We also reject Lee's challenge to the provisions regarding the sale of the house with Debra to receive \$7,500 from the net proceeds. Although his economic contributions to the marriage were greater than Debra's, we cannot ignore the fact that her income also went into the common fund. We are also cognizant of the fact that she was almost solely responsible for the various home-making duties. See Iowa Code § 598.21(1)(c). Even if the net proceeds from the sale of the house are such that Lee will have to make up the difference to reach the \$7,500 figure, his favorable economic position will enable him to do so with relative ease.

The decree of the trial court is affirmed in its entirety. Each party shall pay his or her own attorney fees incurred in this appeal.

AFFIRMED.