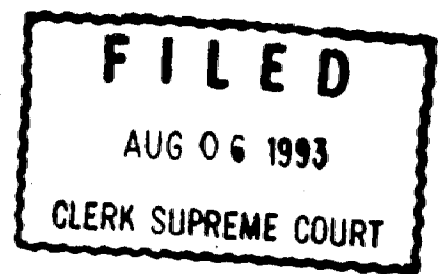


IN THE COURT OF APPEALS OF IOWA

No. 2-620 / 92-573



IN RE THE MARRIAGE OF DARRELL D. SHANE AND VIOLA I. SHANE

Upon the Petition of

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DARRELL D. SHANE,

Appellee,

And Concerning

VIOLA I. SHANE,

Appellant.

Appeal from the Iowa District Court for Franklin
County, Stephen P. Carroll, Judge.

The respondent wife appeals various economic provisions
of the decree dissolving the parties' marriage. **AFFIRMED.**

Lynn J. Wiese of Barker, McNeal, Wiese & Holt, Iowa
Falls, for appellant.

James P. Walters of Walters & Johnson, Iowa Falls, for
appellee.

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

DONIELSON, P.J. **000486**

Darrell and Viola Shane were married on April 5, 1990. Darrell previously had been married for twenty-two years, and Viola had been married for twenty-eight years. The parties separated on October 5, 1990. Viola moved back home with her mother for a short while and subsequently moved back to live with Darrell in November 1990. Viola moved out of the house again in January 1991. On February 28, 1991, Darrell filed his petition for dissolution of marriage. A trial was held on November 27, 1991, and the decree was entered on March 5, 1992. Viola appeals.

Appellant argues that the property division was inequitable. While they were married, the parties commingled their funds in a joint account. The parties also accumulated various items of personal property, including a gas grill, depth finder, bedroom set, cemetery lot, and miscellaneous furniture and appliances. During this period of cohabitation, \$1627.76 was paid from the parties' joint account towards the mortgage on Darrell's house. Darrell's pension also increased \$2800 in value. Darrell also paid \$1800 towards a child support obligation from a previous marriage. The trial court ruled that Viola was to retain the depth finder, valued at \$200, and that Darrell would retain the balance of the personal property on the ground that Darrell had paid ten months of temporary

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alimony. Appellant argues the personal property should have been divided evenly.

Appellant also argues that she should have been reimbursed for half of the mortgage payments made towards Darrell's house during the period of their marriage. Appellant argues the district court erred in ruling that she benefited by having a roof over her head. Appellant also argues she should have been awarded half of Darrell's pension and maintains she should be reimbursed for half the child support payments made out of the joint funds.

In this equity action, we review de novo. Iowa R. App. P. 4. We 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 findings of the district court, especially when considering the credibility of witnesses, but are not bound by them. Iowa R. App. P. 14(f)(7).

The distribution of property of the parties should be equitable under the circumstances after consideration of the statutory criteria in Iowa Code section 598.21(1). In re Marriage of Oler, 451 N.W.2d 9, 11 (Iowa App. 1989). Among those criteria are the length of the marriage, the contribution of each party, the emotional health of each, any support payments ordered under 598.21(3), and other factors the court determines to be relevant. Iowa Code § 598.21(1) (1993). We have carefully considered the

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entire record, the statutory criteria in section 598.21(1), the district court's evaluation of the credibility of the witnesses, and agree with the property division made by the district court.

The record clearly shows that the parties were married less than a year and lived together as husband and wife for only part of their marriage. Appellee contributed several times as much as appellant to the marriage. Appellee has suffered from emotional problems requiring hospitalization. The court ordered temporary support payments totaling \$750.00. The testimony of appellee appears more credible than that of appellant.

Appellee came into the marriage with the majority of the property and debts and leaves in the same position. Appellant leaves with the equivalent of half of the jointly acquired personal property. We determine that appellant is not entitled to any portion of the house payments or child support payments because of the great disparity between appellant's and appellee's contribution to the finances of the marriage. We also determine, based on the brevity of the marriage, that appellant is not entitled to any portion of the increase in appellee's pension.

For the reasons set forth above, we affirm the decision of the district court in all respects.

We direct appellant to pay \$500.00 of appellee's attorney fees and assess the costs of this appeal to appellant.

AFFIRMED.