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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 9-608 / 89-418

IN RE THE MARRIAGE OF RONALD G. GEISLER JR. AND KAREN A. GEISLER

Upon the Petition of
RONALD G. GEISLER JR.,

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Appellant,

And Concerning
KAREN A. GEISLER,

Appellee.

Appeal from the Iowa District Court for Buchanan County, John Bauercamper, Judge.

Appeal from the property distribution provisions of a dissolution decree. **AFFIRMED.**

Don E. Gottschalk of Gottschalk & Shinkle, Cedar Falls, for appellant.

Thomas W. Langlas of Gallagher, Langlas & Gallagher, P.C., Waterloo, for appellee.

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

PER CURIAM

This is an appeal from a district court decree of dissolution. Ronald Geisler Jr. challenges the property distribution as inequitable. Karen Geisler seeks attorney fees for this appeal.

Ronald Geisler Jr. and Karen Geisler were married on March 25, 1972. No children were born of the marriage. However, Ronald had two children from his first marriage, and Karen had three children from her first marriage. Karen's children, now adults, lived with the parties and Karen received child support for them.

At the time of their marriage, Ronald's property consisted primarily of stock he owned in a dental laboratory business. Karen owned a mobile home and two lots. During the marriage, Karen was employed as a nurse in a local hospital while Ronald has been employed by the dental laboratory. Ronald is now the sole owner of the business.

In March 1988, Ronald filed a petition for dissolution of marriage. The key issue at trial concerned the distribution of the assets of the parties. Following a hearing, the district court distributed the assets and assigned the debts of the parties. The court awarded Ronald all his stock in his business, Waterloo Prosthetic, his IRAs, all life insurance policies insuring his life, two cars and a trailer, sporting equipment, musical

equipment, and other household goods in his possession. Karen was awarded the parties' homestead, her retirement accounts and insurance policies insuring her life, the joint savings accounts with Ronald and her son, a car, her mobile home and lot, and all other household goods in her possession. Ronald has filed this appeal. We affirm.

I. Scope of Review. Our scope of review is de novo. Iowa R. App. P. 4. Although not bound by the trial court's determination of factual findings, we will give considerable weight to them, especially when considering the credibility of witnesses. Iowa R. App. P. 14(f)(7). Prior cases, though helpful, have little precedential value since we must base our decision here primarily on the particular circumstance of the parties presently before us. In re Marriage of Weidner, 338 N.W.2d 351, 356 (Iowa 1983).

II. The Property Award. The criteria governing property division are now contained in Iowa Code section 589.21. The determination as to what constitutes an equitable property division cannot be reduced to precise mathematical formulas. The courts strive to make a just and equitable award under the unique circumstances of each case. Among the factors to be considered are the parties' respective incomes, educations, and earning capacities; the length of the marriage; the contributions and sacrifices made by each toward the acquisition of the property during

the marriage; the sources of the property; the respective parties' needs; their social position and living standards both before and during the marriage; their physical and mental health and life expectancies; the tax consequences to each party; and such other factors as may reasonably enter into any division. See In re Marriage of Wallace, 315 N.W.2d 827, 830 (Iowa App. 1981).

We hold the trial court made an equitable distribution of property and assets of the parties. We reject any rule based on a specific percentage division of the assets. In re Marriage of Stickle, 408 N.W.2d 778, 781 (Iowa App. 1987).

III. Attorneys Fees. An award of attorney fees is not a matter of right, but rests within the court's discretion and the parties' financial positions. In re Marriage of Kern, 408 N.W.2d 387, 390 (Iowa App. 1987). We are to consider the needs of the party making the request, the ability of the other party to pay, and whether the party making the request was obligated to defend the trial court's decision on appeal. In re Marriage of Hayne, 334 N.W.2d 347, 353 (Iowa App. 1983); In re Marriage of Castle, 312 N.W.2d 147, 150 (Iowa App. 1981).

Guided by these general legal principles , we order Ronald to pay $500 towards Karen's attorney fee obligation. Costs of appeal are taxed to Ronald.

AFFIRMED.