FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF STEVEN E. MATTKE AND NAN E. MATTKE

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Upon the Petition of)
STEVEN E. MATTKE,)
Petitioner-Appellee,) Filed February 23, 1983
And Concerning)
NAN E. MATTKE,) 2-497
3-68450
Respondent-Appellant.)

Appeal from Clinton District Court - C. H. Pelton, Judge.

Respondent wife appeals from the parties' dissolution decree challenging the custody and property division provisions. AFFIRMED.

J. Drew Chambers and Kenneth F. Schoenauer of Holleran, Shaw, Murphy & Stoutner, Clinton, and Jasper W. Morgan, Clinton, for respondent-appellant.

David E. Schoenthaler of Schoenthaler, Schoenthaler, Roberg & Bartelt, Maquoketa, for petitioner-appellee.

Considered by Donielson, Acting C.J., and Johnson and Schlegel, JJ.

DONIELSON, J.

Respondent wife appeals from the parties' dissolution decree challenging the custody and property division provisions. We affirm.

Our review of this equitable proceeding is de novo. Iowa R. App. P. 4. It is our responsibility to review the facts as well as the law to determine rights anew from the credible evidence on issues properly presented and preserved. In re Marriage of Full, 255 N.W.2d 153, 158 (Iowa 1977). While we give weight to the findings of the trial court, especially where the credibility of witnesses is involved, we are not bound by them. Iowa R. App. P. 14(f)(7); In re Marriage of Novak, 220 N.W.2d 592, 597 (Iowa 1974); In re Guardianship of Sams, 256 N.W.2d 570, 573 (Iowa 1977).

I.

The parties, Steve and Nan Mattke, were married in 1973. Their only child, Ryan, was born in November, 1974. The parties separated in 1981 during which time Ryan remained in Steve's custody. The parties remained separated until their marriage was finally dissolved in March, 1982. Nan was 28 years old at the time of the decree and employed full time, earning approximately $220 per week. Steve was 30 years old when the decree was entered and worked for Ralston Purina Company where he had worked for nine years prior to the decree, earning approximately $340 per week.

In its decree, the court awarded custody of Ryan to Steve, subject to liberal visitation by Nan. In its property division, the trial court awarded Nan a 97-acre farm valued at $290,000 and subject to no encumbrances. This property was part of a larger farm which Nan and her sister had inherited from the estate of Nan's father; during the marriage Nan and Steve bought out Nan's sister's interest and then sold off two parcels of the farm.

The trial court awarded Steven a lien of $87,731 against the farm awarded to

Nan. The trial court also awarded Steven all of the parties' farm machinery, soybeans and fertilizer, as well as a late model pickup truck, almost $9000 in cash, furniture, and various personal effects. Nan was awarded $8000 in cash, a late model car, furniture and personal effects. The trial court valued Steven's net property award at $184,500 and Nan's at $219,500; the difference was attributed to the larger amount of property Nan had brought into the marriage.

The trial court directed Nan to pay Steven child support of $25 per week. Neither party was awarded alimony or attorney's fees. Nan then instituted this appeal.

II.

Initially, Nan challenges the custody award of Ryan to Steve. Each party argues that the best interests of the child necessitates the placement of custody with him or her. The central question in governing consideration of the courts in any proceeding which concerns the custody of a minor child is what is in the best interests of that child. See, e.g., Davis v. Davis, 237 N.W.2d 455, 457 (Iowa 1976). The numerous factors we must consider in deciding custody issues are set out in In re Marriage of Winter, 223 N.W.2d 165, 166-67 (Iowa 1974). Additionally, we note that the "status of children should be quickly fixed and thereafter, little disturbed . . . ." In re Marriage of Bowen, 219 N.W.2d 683, 687-88 (Iowa 1974).

Here Nan contends the trial court gave insufficient weight to her evidence of recovery from her emotional problems, and she contends that many of her problems were triggered by marital discord and are unlikely to recur after the dissolution.

The court found both parties to be of good character. However, it found Steve to be more stable and to have better mental health. It appears that Nan has a history of emotional instability, including suicide attempts, commitment to a mental health facility, expressions of bitterness, and harsh discipline of Ryan.

While her condition may have improved from the time that the dissolution was pending, it appears that she still has occasional seizures and that she is much more introverted than Steve. Ryan has lived with his father continuously since the parties separated in 1981. He is in a familiar environment, one in which he has become comfortable and stable.

We recognize, too, that Steve has been described as a "workaholic," holding a full time job and also farming his land. However, it appears that he has modified his work habits since the parties' separation in order to spend more time with Ryan and to become a more stable parent.

In affirming the court's custody award to Steve, we do not mean to intimate that Nan does not love Ryan or that she would not be a competent parent. However, even where there are two competent, loving parents, and where the operative facts under the Winter criteria are equal, the scales are tipped in the petitioner's favor by the rule that we give weight to the findings of the trial court. See In re Marriage of McDowell, 244 N.W.2d 238, 239 (Iowa 1976). We recognize that the best interest of a child requires a continuing association with a non-custodial parent. In re Marriage of Morton, 244 N.W.2d 819, 822 (Iowa 1976). We believe the grant of liberal visitation rights will afford Nan every opportunity to develop a loving parent-child relationship with Ryan. We are confident that the parties will work together in scheduling visitation to this end. Accordingly, we affirm the award of custody of the minor child, Ryan, to petitioner.

III.

Nan also challenges the property division of the parties' assets as inequitable. Specifically, she suggests that Steve's lien against her farm real estate be reduced to about $35,000 in order to better reflect the financial advantages Steve received from her inheritance.

Our analysis is governed by § 598.21 which codified many aspects of our prior

case law. See Schantz v. Schantz, 163 N.W.2d 398, 405 (Iowa 1968) (modified to exclude fault, In re Marriage of Williams, 199 N.W.2d 339, 345 (Iowa 1976)). The ultimate question is, as it has always been, whether the distribution of property was equitable. We reject any rule based on percentage division of the total assets and must determine what is equitable under the specific facts of this case. In re Marriage of Callenius, 309 N.W.2d 511, 514 (Iowa 1981). When asked to review an individual economic provision of a dissolution decree, we consider all the provisions together as an integrated whole. In re Marriage of McFarland, 239 N.W.2d 175, 179 (Iowa 1976). In addition, when the division of inherited property pursuant to Iowa Code § 598.21 would be unjust, we consider the facts set forth in In re Marriage of Thomas, 319 N.W.2d 209, 211 (Iowa 1982).

Applying these principles, we believe that the property division in the instant case is equitable and justified. Both parties benefitted from the generosity of their parents. The couple lived on and farmed land owned by Steve's mother for a rent substantially below what would have been the reasonable market value. The testimony indicates that the parties' rental reduction was worth approximately $40,500. Thereafter, the parties lived on and farmed land inherited by Nan and her sister, paying Nan's sister a nominal rental fee for the farming of her share of the land. It is also apparent that after Nan's inheritance of her father's farmland, it was Steve who most substantially contributed to the upkeep and development of the successful farm operations, and of the profitable sale of various parcels of the farm property. Nan worked part-time during most of the marriage. She also performed household duties, and helped in the raising of Ryan. We have recognized that the property division should reflect such uncompensated contributions. See In re Marriage of Williams, 303 N.W.2d 160, 165 (Iowa 1981); In re Marriage of Lattig, 318 N.W.2d 811, 815 (Iowa Ct. App. 1982). We believe the division of property here recognizes the contributions of both parties in an

equitable and justified fashion. Both are young, possess substantial assets of their own, and full time jobs for which they receive reasonable compensation.

Having considered all of respondent's arguments, we conclude that the decree should be affirmed in full. The costs of this appeal should be divided equally.

AFFIRMED.