IN THE COURT OF APPEALS OF IOWA

No. 2-485 / 91-1675

IN RE THE MARRIAGE OF ANITA M. GROHS AND LARRY D. GROHS

Upon the Petition of
ANITA M. GROHS,

Appellee,

And Concerning
LARRY D. GROHS,

Appellant.

FILED
MAR 30 1993
CLERK SUPREME COURT

Appeal from the Iowa District Court for Woodbury County, Dewie J. Gaul, Judge.

Larry appeals the economic provisions of the parties' dissolution decree. **AFFIRMED.**

Richard L. McCoy, Sioux City, for appellant.

Jeffrey T. Myers, Sioux City, for appellee.

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

HAYDEN, J.

Anita and Larry Grohs were married on December 20, 1976. They have three children: Paul, born November 23, 1977, Chad, born December 10, 1980, and Todd, born July 23, 1984. During the marriage the parties lived on a farm near Bronson, Iowa.

Anita was thirty-five years old at the time of the trial. She is a registered nurse and works at St. Luke's Regional Medical Center. Anita works part-time and has income of about $18,720 and net monthly income of $1,387. If Anita worked full-time, her income would be about $31,200.

Larry was also thirty-five years old at the time of the trial. He is self-employed as a farmer. In the past several years, he has rented farms where he raises crops and livestock. The district court found Larry could expect to have farm income of at least $13,766 per year and his net monthly income would be about $914.

The parties own a 160-acre farm. They placed this land in a federal CRP program for ten years. Under the program, they will receive $10,997 each year until March 1997. In exchange, the parties agreed not to farm the property for the same period of time. The marital residence was also on this property.

The parties separated in February 1991, when Anita filed a petition for dissolution of marriage. Anita and the children remained on the farm and Larry moved to an apartment in Sioux City.

The dissolution hearing was held on September 18, 1991. The district court issued a decree of dissolution on September 26, 1991. The court adopted the parties' agreement to have joint legal custody of the children, with Anita having primary physical care. Larry was ordered to pay child support of $320 per month. No spousal support was awarded.

In dividing the parties' property, the court awarded Anita assets worth about $95,978, which included the farm. Larry was awarded assets worth about $127,230, which included the farm machinery, livestock and growing crops. Larry was ordered to pay Anita a property settlement of $29,400 in order to more equitably divide the property. Larry appealed.

Our review of this equitable action is de novo. See Iowa R. App. P. 4. We are not bound by the district court's findings of fact, but we do give them deference because the district court had an opportunity to view, firsthand, the demeanor of the witnesses when testifying. In re Marriage of Brown, 487 N.W.2d 331, 333 (Iowa 1992).

Larry challenges the property distribution. He asks to be awarded the farm because he is a farmer by trade, while Anita is not. Larry also disputes the district court's valuation of the bank accounts, stored crops, farm equipment, and livestock. Additionally, Larry believes the property settlement of $29,400 is excessive. Finally, he believes a debt of $3,247 for medical expenses of one of the children should be divided equally.

The partners in a marriage are entitled to a just and equitable share of the property accumulated through their joint efforts. In re Marriage of Russell, 473 N.W.2d 244, 246 (Iowa App. 1991). The Iowa courts do not require an equal division or percentage distribution. Id. The determining factor is what is fair and equitable in each particular circumstance. Id.

We discount Larry's argument he will be deprived of his livelihood because he was not awarded the farm. The evidence showed Larry rented other farms where he raised livestock and crops. The parties had entered into an agreement with the federal government not to farm their property through March 1997. We agree with the district court's decision the farm should be awarded to Anita.

Larry contends the district court improperly valued his cash and stored crops as of the date of the parties' separation in February 1991. Marital assets should be valued as of the date of the trial. In re Marriage of Hitchcock, 309 N.W.2d 432, 434 (Iowa 1981). Here, Larry's financial affidavit filed on September 18, 1991, showed the same figures used by the district court. We find the court properly valued these assets.

Larry also disputes the district court's valuation of growing crops and livestock. We find the value placed on these assets is well within the permissible range of evidence and will not disturb it on appeal. Russell, 473 N.W.2d at 246.

We determine the property settlement is equitable under the circumstances of this case. We find Larry should be responsible for the debt of $3,247.

We affirm the property distribution as set forth by the district court. Costs of this appeal are assessed to Larry.

AFFIRMED.