FILED
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CLERK SUPREME COURT

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IN THE COURT OF APPEALS OF IOWA

IN RE MARRIAGE OF NAOMI SUE CLAEYS & LOUIS L. CLAEYS

Upon the Petition of

NAOMI SUE CLAEYS,) Filed February 26, 1980

Petitioner-Appellant,)

And Concerning)

LOUIS L. CLAEYS,) 375
2-63769

Respondent-Appellee.)

Appeal from Scott District Court - Margaret Briles, Judge.

Petitioner-wife appeals economic provisions of dissolution decree contending she was erroneously denied compensation for loss suffered in selling her home immediately prior to the marriage. - Affirmed.

Arthur L. Buzzell, of Newport & Buzzell, Davenport, for petitioner-appellant.

Larry R. Jungmann, of Jungmann Law Offices, Eldridge, for respondent-appellee.

Submitted to Oxberger, C.J., and Donielson, Snell, Carter and Johnson, JJ.

PER CURIAM

Petitioner-wife appeals from the economic provisions of her dissolution decree. She contends that the decree erroneously denied compensation for the loss she claims she suffered when she sold her home four days prior to the marriage. We affirm.

The parties were married on July 29, 1977. Four days earlier, petitioner sold her house and received approximately $10,000 as net proceeds from the sale. Petitioner contends that she sold the house in reliance on respondent's promise that they would build a new house on his farm. Less than three months after the date of the marriage, petitioner filed her petition for dissolution. In its decree, the trial court provided that each party would receive the real and personal property that each brought into the marriage. Consequently, petitioner received the total proceeds from the sale of her house less any amount of those proceeds that petitioner expended for her own use and benefit, and respondent received his farm. Petitioner contends that due to appreciation in the real estate market, the house she sold prior to the marriage is now valued at approximately $10,000 more than when she sold it. Therefore, she alleges the trial court erred by not compensating her for that loss.

Our review is de novo. Iowa R. App. P. 4. We give weight to the trial court's findings of fact, especially regarding the credibility of witnesses, but we are not bound by them. Iowa R. App. P. 14(f)(7). In addressing the propriety of a trial court's property division, we are guided by the criteria set forth in Schantz v. Schantz, 163 N.W.2d 398, 405 (Iowa 1968), except fault. In re Marriage of Williams, 199 N.W.2d 339, 345 (Iowa 1972).

Applying the Schantz criteria to the case at bar, particularly what each party contributed to the marriage and the duration of the marriage, we cannot conclude that the trial court's property division was inequitable. There was no jointly acquired property to be divided. Petitioner and respondent each received back what each contributed to the marriage. Considering the short duration of this marriage, such an award was equitable. See Andreeson v. Andreeson, 252 Iowa 1152, 1159, 110 N.W.2d 275, 279 (1961) (award to wife of value of what she furnished to marriage of short duration was proper). Since there is no evidence that respondent exercised deceit inducing

petitioner to sell her house, which ultimately resulted in a loss to her, or used any proceeds of the house sale in any way, that loss is not a factor to be used in adjusting the property rights between the parties. See Heckman v. Heckman, 235 Ind. 472, 482, 134 N.E.2d 695, 700 (1956).

AFFIRMED.