FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF
SHARON MARGARET HUGHES AND DALE SERVIGNA HUGHES

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Upon the Petition of)
SHARON MARGARET HUGHES,)
Petitioner-Appellee,)
And Concerning)
DALE SERVIGNA HUGHES,) 8-162 / 87-1116
Respondent-Appellant.)

Appeal from the Iowa District Court for Hamilton County (1075), Russell Hill, Judge.

Respondent husband appeals the decree dissolving the parties' marriage. **AFFIRMED.**

Eric Borseth of Wright, Wright & Borseth, Des Moines, for respondent-appellant.

Thomas J. Cahill of Cahill Law Offices, Nevada, for petitioner-appellee.

Considered by Oxberger, C.J., and Donielson and Schlegel, JJ.

SCHLEGEL, J.

Respondent husband appeals the decree dissolving the parties' marriage. He contends that 1) the court's awards of alimony and child support were excessive, and 2) there was insufficient evidence to determine the parties' true financial situation. Our review of this equity action is de novo. Iowa R. App. P. 4. We give weight to the fact findings of the trial court, especially when considering the credibility of witnesses, but we are not bound by them. Iowa R. App. P. 14(f)(7). We affirm.

Petitioner wife, Sharon Hughes, and respondent husband, Dale Hughes, were married on September 13, 1975. They have four minor children: Krystal, born December 20, 1975; Heather, born July 22, 1978; Laura, born October 22, 1983; and Ryan, born December 11, 1985. The marriage was dissolved on June 4, 1987. The divorce decree provided for joint cus- tody and Sharon was awarded physical care of the four minor children. Dale was ordered to pay $800 per month in child support and $150 per month in alimony.

Dale first contends that the trial court's award of alimony and child support, when taken in the context of his present financial situation, were excessive. In determining that Dale had the ability to pay $950 per month in child support and alimony, the trial court relied on the following facts: Dale, who holds a masters degree in park administration, has attained an educational level far

exceeding that of Sharon, who has the equivalent of a high school education and whose only employment since marriage was for a short time as a waitress. Sharon must remain at home to care for Ryan, the parties' youngest child, who was diagnosed at eleven weeks as suffering from hydrocephalus. Dale, who worked approximately one year in his trained profession, has been farming full time since 1978. For the three years prior to trial, Dale has farmed 480 acres of his mother's land as well as a 40-acre tract of land purchased on contract in 1979. This 40-acre tract has a present value of $28,000. Both Dale and Sharon, along with their children, have resided in an old farm house located on said tract of land since 1979. The house requires substantial improvements.

Since he began farming in 1978, Dale has experienced financial difficulties and was forced to forfeit two contracts on a total of 160 acres of land in 1985 and 1986. When Dale began farming his mother's land in 1985, it was on a crop-share basis, but he no longer receives any income from his work. Dale's mother receives all of the income from the farm. Dale testified that he borrowed $6,750 from his mother for living expenses in 1986. Sharon and the children live on food stamps averaging approximately $350 per month.

Based upon the foregoing facts, the trial court found that Dale made a priority of protecting his mother's property interests over that of providing for his wife and four minor children. The court felt that Dale's primary concern was for himself only, and that he did not have the best interests of his children in mind. The court also felt that Dale had attempted to shield himself both from his creditors and his family obligations through his financial arrangement with his mother.

In our determination of this issue, we are guided by certain principles. A person with an obligation to support another is not relieved of that obligation by voluntarily reducing his or her assets, In re Marriage of Cerven, 335 N.W.2d 143, 146 (Iowa 1983), and an intentional reduction of earnings with no offsetting economic benefit is not a basis to avoid contributing a reasonable amount of child support. Ellis v. Ellis, 262 N.W.2d 265, 268 (Iowa 1978). Moreover, in In re Marriage of Vetternack, 334 N.W.2d 761, 763 (Iowa 1983), our supreme court noted that, in considering a party's ability to provide financial support, "current inability to pay has become less a consideration and long range capacity to earn money has become more of a consideration."

Based upon our de novo review of the record, we find it unnecessary to disturb the trial court's ruling. The record indicates that Dale, who apparently is a healthy and

able-bodied adult, feels he is worth more than $6,000 a year, however, he admittedly has not made any efforts to use his masters degree and has not made any job applications in the past five years. Even if we were to accept Dale's argument that the court erred in considering his masters degree when ruling on his earning capacity, we cannot avoid the fact that in 1984, Dale earned an income of $23,658 from farming, minus $17,613 in depreciation costs. Coincidentally, 1984 was the last year in which Dale accepted income from his mother on a crop-share basis. The foregoing clearly indicates that Dale possesses the ability, either through his masters degree or his farming skills, to earn more income than he is presently receiving. We also find it significant that Dale admits that his financial arrangement with his mother was set up to avoid paying his FHA debts, and take note of the fact that the trial court felt Dale was "being evasive" on the witness stand and warned him about the propriety of such conduct. See In re Marriage of Moffatt, 279 N.W.2d 15, 17-18 (Iowa 1979) (witness's conduct and demeanor reflected adversely on credibility of his testimony).

In view of the foregoing, the trial court's ruling with respect to this issue is affirmed.

Dale next contends that because no financial affidavits are on file, the record in this area is deficient, and the court should issue a limited remand for the purpose of obtaining evidence on the financial status and earning

ability of both parties We disagree An examination of the record indicates that, in addition to the parties' 1984 income tax return, Sharon filed a Pretrial Statement and Argument setting forth all of the financial information concerning the parties' assets, liabilities, and special circumstances, and this information was before the court at the time of trial We are convinced that the court had an adequate financial record upon which to base its decision. We note that this case is unlike those cases in which the record was found insufficient to determine the parties' financial situations. See, e.g , Locke v Locke, 246 N W.2d 246, 253 (Iowa 1976).

AFFIRMED.