

IN THE COURT OF APPEALS OF IOWA

FILED

OCT 23 1984

CLERK SUPREME COURT

IN RE THE MARRIAGE OF MARY R. THILL AND WILLIAM F. THILL

Upon the Petition of)

445

MARY R. THILL,)

Filed October 23, 1984

Petitioner-Appellee,)

And Concerning)

WILLIAM F. THILL,)

4-339

84-155

Respondent-Appellant.)

Appeal from the Iowa District Court for Dubuque County - L. John Degnan,
Judge.

Respondent husband appeals from the decree which dissolved the parties'
marriage, asserting that his child support obligation is excessive. **AFFIRMED.**

Paul J. Fitzsimmons, Dubuque, for respondent-appellant.

Mary Schumacher of Roth & Schumacher, Dubuque, for petitioner-appellee.

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

Respondent husband appeals from the decree which dissolved the parties' marriage, asserting that his child support obligation is excessive. We affirm.

Petitioner Mary R. Thill and respondent William F. Thill were married in 1977. They have one child of their own and each party had custody of children from previous marriages. William has adopted Mary's three children. Mary works at a grocery store on a part-time basis with varying hours. Her gross annual income ranges between \$6,000 and \$7,000. William works at a manufacturing company, with a gross annual income of \$30,310.

The trial court awarded Mary custody of the parties' four minor children and directed William to pay child support of \$50 per child per week. The trial court awarded Mary the parties' house (subject to a mortgage), the personal property in her possession, a car (subject to a loan), and her bank accounts. William was awarded a car and directed to pay debts of approximately \$11,200. William has appealed.

Respondent's sole claim on appeal is that the child support obligation is excessive. Specifically he asserts that the trial court failed to give adequate consideration to the financial resources of the parties.

Our review of this equitable proceeding is de novo. Iowa R. App. P. 4. While the findings of the trial court are not binding upon us, we view them with considerable weight. In re Marriage of Burham, 283 N.W.2d 269, 274 (Iowa 1979). In considering William's claim that the child support obligation is excessive, we examine the facts of this case in light of the factors listed in Iowa Code section 598.21(4). Upon doing so, we are convinced that the child support obligation imposed by the trial court should not be disturbed.

In reaching our decision, we are mindful of William's financial difficulties in meeting the support obligation. William has a monthly salary of \$2,517.50. After paying child support and court-ordered expenses, respondent has approximately

\$400 per month for living expenses. He has estimated his monthly living expenses to be \$840. While recognizing the inherent difficulties with this situation, we cannot ignore the needs of the children involved and the fact that William must assume some financial responsibility for them. It is well-settled that both parties to a marriage have a legal obligation to support their children. In re Marriage of Fleener, 247 N.W.2d 219, 221 (Iowa 1976). Mary's salary is minimal and she would be unable to meet her children's financial needs without some contribution from William.

By imposing a modest child support obligation, we believe the trial court properly struck a balance between William's ability to pay and the needs of the children. We realize that William will have to make some sacrifices in order to meet the obligation imposed. However, we are unwilling to decrease the support obligation at the expense of the children. The sacrifices should be made by the parties to this action, not the children. Accordingly, we affirm the trial court decision.

AFFIRMED.