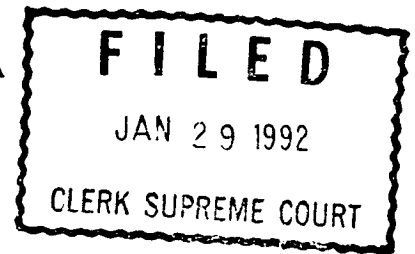


IN THE COURT OF APPEALS OF IOWA

No. 1-562 / 91-662



IN RE THE MARRIAGE OF TONY R. KREIMEYER AND
DIANNA L. KREIMEYER

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Upon the Petition of

TONY R. KREIMEYER,

Appellee,

And Concerning

DIANNA L. KREIMEYER,

Appellant.

Appeal from the Iowa District Court for Chickasaw
County, James L. Beeghly, Judge.

The parties appeal custody, property and visitations
provisions of their dissolution decree. **AFFIRMED AS
MODIFIED.**

Judith O'Donohoe of Eggert, Erb, Ott, O'Donohoe and
Frye, Charles City, for appellant.

Richard Tekippe of Tekippe & Huegel, New Hampton, for
appellee.

Considered by Oxberger, C.J., and Hayden and Habhab,
JJ.

HABHAB, J.

Dianna and Tony were married on December 5, 1987, at Nashua, Iowa. At the time of their marriage, Tony was twenty-five and Dianna twenty-one. One child was born of the parties' marriage, Courtney, on May 10, 1988.

In December 1988, the parties purchased a residence for \$22,500 in Nashua. Monthly payments have continued to be made on the home with Tony making all payments after July 1, 1989.

Around July 1989, the parties separated. Since the separation, Courtney has been under Dianna's care most of the time. Tony has exercised visitation during this period.

In January 1990, Tony filed a petition for dissolution of marriage. The parties stipulated to several items, but left the decision as to custody, visitation, child support, and the parties' equity in the marital residence to the district court. Following trial, the district court awarded the primary care of the parties' child to Tony. Dianna was required to pay \$80 per week child support. Dianna was entitled to visitation on alternate weekends, alternate holidays, and four weeks in the summer. Tony was required to pay Dianna one-half of the equity in the real estate or \$2,147.90. Dianna appealed from this decree challenging custody and visitation. Following denial of his motion to dismiss this appeal as untimely, Tony filed a

cross-appeal challenging the valuation of the equity in the parties' house.

Our review in cases such as these 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. Iowa R. App. P. 14(f)(7). We are not bound by these determinations, however. Id. Prior cases have little precedential value, and we must base our decision primarily on the particular circumstances of the parties presently before us. In re Marriage of Weidner, 338 N.W.2d 351, 356 (Iowa 1983).

Liberal visitation rights are in the best interests of the children. Iowa Code § 598.1(c); In re Marriage of Muell, 408 N.W.2d 774, 777 (Iowa App. 1987). Both parents, as joint custodians, are charged with maintaining those interests. Unless visitation with the noncustodial parent will in some way injure the child, they are not to be prohibited. Fitch v. Fitch, 207 Iowa 1193, 1197, 224 N.W. 503 (1929).

After reviewing the facts of this case, we determine both parents appear to be capable of raising the child. The trial court was in the best position to view the parties and hear their testimony. We agree with the trial court that the primary care of Courtney should be placed with Tony.

Tony complains Dianna should have no part of the equity in the marital house. We affirm the trial court's

equitable distribution of the equity in the parties' house. In doing so, we are mindful Tony paid no child support for almost a year while the child was in Dianna's care.

Finally, Dianna requests more liberal visitation with the child. Tony does not object. We therefore modify the decree to include:¹

Visitation shall include:

1. Summer visitation shall be increased from four weeks to six weeks to be exercised in blocks of two-week periods.

2. During the nonsummer months, in addition to alternate weekends, there is to be an additional visitation each week from the end of Tony's work day to the evening of the next day, one hour before Courtney's bedtime or approximately 8 p.m., until such time as the minor child enters school; after this, if the parties are close enough, the visitation should occur once a week in the afternoon after school until the start of school the next morning.

3. As it relates to Christmas, the parties shall divide Christmas vacation every year. The party having visitation on Christmas Day would receive the first half of the Christmas vacation, and the other party would receive the second half of the Christmas vacation.

4. Until Courtney is in school, Dianna shall have visitation for one week in March or April as an equivalent to spring break. After she enters school, Dianna shall have visitation during spring vacation every other year.

The other provisions of the decree shall remain unchanged.

We affirm the trial court's grant of custody and property division. We modify Dianna's visitation to include the above provisions.

AFFIRMED AS MODIFIED.

1. The modification provisions that follow were requested by Dianna in her appellant's brief and consented to by Tony in his appellee brief.