FILED
JUN 26 1984
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF SUSANNE LORENZEN AND JACK LORENZEN

420

Upon the Petition of	)	
SUSANNE LORENZEN,	)	Filed June 26, 1984
Petitioner-Appellant,	)	
And Concerning	)	
JACK LORENZEN,	)	4-217 83-1226
Respondent-Appellee.	)	

Appeal from the Iowa District Court for Warren County - James W. Brown, Judge.

Petitioner appeals from the decree dissolving the parties' marriage. AFFIRMED.

Alan N. Koufer of Myers, Knox & Hart, Des Moines, Iowa, for petitioner-appellant.

Mark F. Schlenker of Hall, Ewalt & Hall, Indianola, Iowa, for respondent-appellee.

Considered by Snell, P.J., Hayden, and Sackett, JJ.

Petitioner appeals from the decree dissolving the parties' marriage. She claims that: (1) the property division is inequitable; and (2) her child support award is inadequate. Both parties have requested attorney's fees on appeal.

Petitioner, Susanne Lorenzen, and respondent, Jack Lorenzen, were married in 1973. They have two children: Dawn, born in 1974, and Amy, born in 1977. Jack is an insurance adjuster whose gross income in 1982 was $21,000. Susanne is a certified cosmetologist who operates a salon in her home. In 1982 Susanne's earnings, after deduction of operating expenses, were approximately $9,000.

The parties resided in a house in Norwalk with an appraised value, agreed to by the parties, of $42,000. At the time of trial the Iowa Department of Transportation had begun negotiations with property owners concerning a projected widening of the road on which the house was situated. The parties also owned rental property. The down payment on the rental property was made with $10,000 which Susanne had inherited from a customer and $3,500 borrowed from Susanne's mother.

The trial court found that each party had received approximately $8,500 in personal property which the parties had already divided. The court awarded Susanne the parties' home and Jack the rental property. Jack was given a $9,325 lien against the residence, which sum represented his share of the equity less Susanne's $10,000 inheritance. Each party was awarded one-half of the eventual settlement from the Iowa Department of Transportation for the highway relocation. Susanne was given an automobile and ordered to assume the $3,500 interest-free loan from her mother. Jack was ordered to pay $500 toward Susanne's attorney fees.

Custody of the two children was granted to Susanne as agreed by the parties. The trial court ordered Jack to pay child support of $175 per month per child until the older child is eighteen, graduates from high school, is emancipated, or dies,

whichever occurs first. At that time child support is set at $225 per month until the younger child attains the same status.

Our review of this equitable proceeding is de novo. Iowa R. App. P. 4. While we are not bound by the findings of the trial court, we do give weight to them, especially where the credibility of witnesses is involved. Iowa R. App. P. 14(f)(7).

I. Property Division. Factors to be considered in making a division of property are found in Iowa Code section 598.21(1). Susanne raises several issues regarding the trial court's division which need not be considered at length. It is clear that the trial court made an approximately equal division of the parties' property and credited for Susanne's benefit her inheritance as required by Iowa Code section 598.21(2). Therefore, the property provisions of the decree are affirmed.

II. Child Support. Jack contends that this court does not have jurisdiction to consider the trial court's order of child support because Susanne's notice of appeal limited the appeal to the issue of property division. We need not address that argument since in any event the trial court's provision for child support was proper under the guidelines of Iowa Code section 598.21(4).

III. Attorney's Fees. Attorney's fees on appeal are not awarded as a matter of right, but depend upon the relative financial circumstances of the parties. In re Marriage of Willcoxson, 250 N.W.2d 425, 427 (Iowa 1977). On the record before us neither party is entitled to an award of attorney's fees on appeal.

AFFIRMED.