FILED
MAY 31 1978
CLERK SUPREME COURT

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IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF MARILYN D. LAUGHLIN AND JAMES D. LAUGHLIN

Upon the Petition of
MARILYN D. LAUGHLIN,

Appellee,

vs.

JAMES D. LAUGHLIN,

Appellant.

Filed May 31, 1978

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2-61024

Appeal from Jackson District Court - A. L. Keck, Judge.

Respondent appeals the alimony, property settlement and child support awards in a dissolution decree. The child support award is reduced. - Modified and affirmed.

Kenneth Wright, of Goodenow & Wright, Maquoketa, for Appellant.

Dennis E. Roberson, Maquoketa, for Appellee.

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

PER CURIAM

Respondent James Laughlin appeals the alimony, property settlement and child support awards in the dissolution decree. Our review is de novo. Rule 4, Rules of Appellate Procedure. The standards for reviewing alimony and property settlements are found in Schantz v. Schantz, 163 N.W.2d 398, 405 (Iowa 1968) and In re Marriage of Williams, 199 N.W.2d 339, 345-6 (Iowa 1972). Factors to be considered in reviewing child support awards are found in In re Marriage of Zoellner, 219 N.W.2d 517, 525 (Iowa 1974). Each case is particuliarly dependent upon its own facts and therefore, precedents are of little value. Zoellner, supra; In re Marriage of Romig, 207 N.W.2d 780, 783 (Iowa 1973). While we give weight to the trial court's findings of fact, we are not bound by them. Rule 14(f)(7), R. App. P. See also In re Marriage of Winegard, 257 N.W.2d 609, 613 (Iowa 1977).

At the time of the dissolution, the parties had been married almost seven years. Petitioner Marilyn Laughlin received custody of the parties' two minor sons pursuant to an agreed stipulation. Both parties were in relatively good health except that James had undergone back surgery early in 1977 which prevented him from doing manual lifting. The trial court awarded Marilyn lump-sum permanent alimony in the amount of $2000 payable within sixty days of the date of the decree. A review of the record convinces us that such an award is not excessive.

Until 1975, James grossed over $15,000 annually as a store manager and sales representative for the Goodyear Tire Company. In 1975 he quit this employment and became a partner in a local tire company. The parties disagree about its profitability; however, the trial court found it a "young, but promising business". Although James was permitted to draw $1100 a month salary, his share of the 1975 loss was $3381; in 1976, his share of the profits was $3852. At the time of trial the business was estimated to be worth $26,000 with his 1/3 interest valued at $8667. Marilyn worked during the first 2 1/2 years of the marriage as a bookkeeper for her husband's store earning approximately $300 per month but was not employed outside the home at the time of the dissolution.

Marilyn was awarded the parties' home which was valued between $40,000 and $50,000 subject to a mortgage of $36,125. She was ordered to pay all real estate

ces and was made responsible for the outstanding mortgages. She received the usehold furnishings valued at $3000, a car worth $1500 and a term life insurance licy. James received all of his interest in his business partnerships, savings and ecking accounts of about $1800, mutual fund shares worth $2000, and a boat lued at $500. He was also ordered to pay all bills and debts not itemized, $300 wards Marilyn's attorney fees and maintain medical insurance coverage for his ildren.

A review of the record convinces us that any disparity which appears between e property awarded Marilyn and that awarded James rests largely in the problem valuing the two main assets of the parties: the home and the 1/3 interest in the e business. Although James alleges in his brief the home is worth upwards of 0,000, at the time of trial he testified a realtor appraised it and thought it would ing $45,000 if it was in top shape which James testified it was not.

Secondly, James never filed a financial statement for the business, although arilyn did not request it either. James did answer her interrogatories as well as e his personal and business tax returns. This lack of information makes precise aluation of assets and equitable distribution of property between the parties fficult. The problem faced by the trial court was one of determining what would nstitute an equitable and just award under the circumstances. Locke v. Locke, 6 N.W.2d 246, 251 (Iowa 1976). The property settlement is not inequitable.

James's final complaint concerns the child support award. The trial court varded support of $50 per week, per child. This amounts to $5200 per year which mes argues is excessive even if compared with his 1974 income of $15,270 while was still employed by Goodyear. Our review of the evidence in light of the iteria set forth in Winters demonstrates the child support award is not excessive.

In her conclusion, Marilyn asks that the overnight visitation of the children be odified. However, she did not file a cross appeal and this issue is therefore not operly before the court. Each party shall pay their own attorney fees on appeal d pay one-half of the court costs.

AFFIRMED.