

IN THE COURT OF APPEALS OF IOWA

No. 3-130 / 92-844

FILED

DEC 8 1993

CLERK SUPREME COURT

IN RE THE MARRIAGE OF HAROLD E. WENNEKAMP AND
WILMA J. WENNEKAMP

000685

Upon the Petition of
HAROLD E. WENNEKAMP;
Petitioner-Appellant,

And Concerning
WILMA J. WENNEKAMP,
Respondent-Appellee.

Appeal from the Iowa District Court for Woodbury
County, Michael S. Walsh, Judge.

Harold appeals from the dissolution decree's
distribution of assets. **AFFIRMED.**

Paul W. Deck, of Deck & Deck, Sioux City, for
appellant.

Kurt A. Hohenstein, South Sioux City, Nebraska, for
appellee.

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

PER CURIAM 000686

Petitioner-appellant Harold E. Wennekamp appeals challenging the property division made by the trial court in dissolving his marriage to respondent-appellee Wilma J. Wennekamp. We affirm.

This was a second marriage for both parties. There were no children. At the time of marriage, Harold had some farm machinery, and during the marriage, Wilma had an inheritance. Harold contends the trial court gave Wilma more than she was equitably entitled to under the circumstances.

The trial court determined the values of their marital property and awarded assets in the amount of \$8810 to Harold. Wilma was awarded assets in the amount of \$11,025 after setting aside her inheritance.

The partners in the marriage are entitled to a just and equitable share of the property accumulated through their joint efforts. In re Marriage of Russell, 473 N.W.2d 244, 246 (Iowa App. 1991). Iowa courts do not require an equal division of percentage distribution. Id. at 246. The determining factor is what is fair and equitable in each circumstance. Id. The distribution of the property should be made in consideration of the criteria codified in Iowa Code section 598.21(1) (1991). In re Marriage of Estlund, 344 N.W.2d 276, 280 (Iowa App. 1983). We find no reason to disturb the award made by the trial court.

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Harold and Wilma shall pay their own attorney fees on appeal.

AFFIRMED.

Donielson, P.J., and Hayden, J., specially concurs.

DONIELSON, P.J. (specially concurring)

I specially concur.

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HAYDEN, J. (specially concurring)

I specially concur.

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