



IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF VIOLET L WERKMEISTER AND RALPH WERKMEISTER

UPON THE PETITION OF	)	
VIOLET L WERKMEISTER,	)	Filed March 29, 1978
Appellee,	)	
AND CONCERNING	)	
RALPH WERKMEISTER,	)	441
Appellant.	)	2-60432

Appeal from Sac District Court - E. J. Flattery, Judge.

Appeal from property division, alimony and child support aspects of a dissolution decree. **AFFIRMED.**

Thomas L. McCullough, of McCullough Law Firm, of Sac City, counsel for appellant.

Russell S. Wunschel, of Carroll, counsel for appellee.

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

DONIELSON, J.

Respondent-Ralph Werkmeister appeals the property division, child support and alimony aspects of a dissolution decree. Respondent and petitioner-Violet Werkmeister were married in 1945. Their youngest child, Marlys, who was born in 1963, currently suffers from a mild form of epilepsy which requires medication on a permanent basis. Violet filed a petition for dissolution of marriage in 1975 when the parties were in their fifties.

The parties had farmed throughout their marriage. At the time of trial, they owned a 160 acre farm which was free of debts and worth \$250,000. Ralph operated this farm in partnership with one of the parties' sons. The parties also owned over \$40,000 in the form of bank deposits and certificates of deposits, as well as farm equipment, motor vehicles, livestock, and grain on hand, valued at a total of \$35,000.

Ralph's only income in 1975 was the rental income from the farm together with approximately \$3,000 interest, for a total income of \$7,686 for the year. The record also reflects that although Violet is presently in good health, Ralph has "some arthritis" difficulty.

The trial court decreed that Violet retain custody of Maryls and that Ralph pay \$200 per month in child support and \$300 per month in alimony. The court expressly retained jurisdiction to increase support payments or continue them beyond Marlys' eighteenth birthday, if necessary. The court ordered that the farm be owned by the parties as tenants in common, with Ralph having a rent-free lease on the property for the crop years 1977 through 1981 and being liable for all taxes, insurance and upkeep on the farm for the same five-year period. Ralph was also ordered to pay Violet \$37,500 as part of the property division, and each party was awarded the personal property in his or her possession.

Our review in this matter is de novo. Rule 4, Rules of Appellate Procedure. Although we give weight to the trial court's findings of fact, we are not bound by them. Rule 14(f)(7), R. App. P. We have reviewed the record in light of the criteria set forth in *Schantz v. Schantz*, 163 N.W.2d 398, 405 (Iowa 1968) without regard to fault, *In re Marriage of Williams*, 199 N.W.2d 339, 345-346 (Iowa 1972), as well as the considerations governing the award of child support enumerated in *In re Marriage of Zoellner*, 219 N.W.2d 517, 525 (Iowa 1974). Further, precedents are of little value and a determination

of what is equitable depends upon the facts of each case. In re Marriage of Romig, 207 N.W.2d 780, 783 (Iowa 1973).

Upon a review of the entire record, we see no reason to disturb the property division, alimony and child support provisions as ordered by the trial court. See In re Marriage of Kehrli, 241 N.W.2d 923, 925-926 (Iowa 1976). We order that Ralph pay the sum of \$693.15 to be applied to Violet's obligation for fees owed her attorney.

AFFIRMED.