

IN THE COURT OF APPEALS OF IOWA

FILED

APR 23 1986

CLERK SUPREME COURT

**IN RE THE MARRIAGE OF DALE RUSSELL BENNETHUM
AND VICKI L. BENNETHUM**

Upon the Petition of)
DALE RUSSELL BENNETHUM,)

Petitioner-Appellant,)

Filed April 23, 1986

And Concerning)
VICKI L. BENNETHUM,)

6-88
85-1041

Respondent-Appellee.)

Appeal from the Iowa District Court for Polk County (No. CD46-27575)

- Gene Needles, Judge.

Petitioner Dale Bennethum appeals from his dissolution decree. **AFFIRMED.**

Eric Borseth, of Wright, Wright & Borseth, Des Moines, for petitioner-appellant.

J. Michael Mayer, Des Moines, for respondent-appellee.

Heard by Snell, P.J., and Schlegel, and Sackett, JJ.

SACKETT, J.

The parties, Dale Bennethum and Vicki Bennethum, were married in 1982. They have two children who were born in 1981 and 1983. The trial court dissolved their marriage and approved their agreement to have joint physical custody of their children. The court also divided their property and awarded physical care of the children to Vicki.

Dale has appealed contending (1) he should have physical care of the children, and (2) the property division made by the trial court should be modified.

I.

Our review 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 witness, but are not bound by them. Iowa R. App. P. 14(f)(7); In re Marriage of Stewart, 356 N.W.2d 611, 612 (Iowa App. 1984). The first and governing consideration is the best interest of the children. Iowa R. App. P. 14(f)(15); Schoonover v. Schoonover, 228 N.W.2d 31, 34 (Iowa 1975).

The record reflects each party has strengths and weaknesses and exhibits an interest in and concern for the minor children. We determine, as did the trial court, Vicki assumed the majority of the child care during the time the parties lived together. Since the parties' separation each parent has shared the care. See In re Marriage of Ertman, 376 N.W.2d 918, 921 (Iowa App. 1984); In re Marriage of Winter, 223 N.W.2d 165, 166-68 (Iowa 1974).

We affirm the trial court in its award of physical care to Vicki.

II.

Dale further argues the trial court overvalued certain items of property resulting in his receiving an inequitable share of the property.

A fair property division is one that is equitable under the circumstances. In re Marriage of Stuart, 356 N.W.2d 611, 612 (Iowa App. 1984). What constitutes an equitable division must be determined under the facts of each case. In re Marriage of Bvall, 353 N.W.2d 103, 106 (Iowa App. 1984).

Considering the property division as a whole, we find no reason to disturb the trial court's decision. We find the award made by the trial court to be equitable and therefore affirm it.

AFFIRMED.