FILED
AUG 25 1994
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 4-265 / 93-1609

IN RE THE MARRIAGE OF JULIE MAY RITZ AND RODNEY DEE RITZ

Upon the Petition of
JULIE MAY RITZ,

Appellant/Cross-Appellee,

And Concerning
RODNEY DEE RITZ,

Appellee/Cross-Appellant.

Appeal from the Iowa District Court for Jefferson County, Robert Bates, Judge.

Julie Ritz appeals, and Rodney Ritz cross-appeals, the provisions of the parties' dissolution decree. **AFFIRMED AS MODIFIED.**

Robert E. Breckenridge, II, of Johnson, Hester & Walter, Ottumwa, for appellant.

Myron L. Gookin of Foss, Kuiken & Gookin, P.C., Fairfield, for appellee.

Considered by Donielson, C.J., and Sackett and Huitink, JJ.

HUITINK, J.

Julie Ritz appeals the economic and attorney fees provisions and Rodney Ritz cross-appeals the visitation provisions of their dissolution decree. We affirm as modified.

The parties' marriage was dissolved in September 1993. Both are thirty-six years old and have high school educations. Rodney is a machine operator at Rockwell International and earns $14.00 per hour. Julie is an office clerk at Rockwell and earns $7.30 per hour. She is attending a local community college at night and plans to obtain her degree in computer programming. Her employer paid for her entry level classes.

Julie was awarded primary care of the parties' minor children: Jamie, born in 1983, and Jackie, born in 1985. Rodney was awarded visitation, including alternating weekends. Neither party was awarded alimony. The parties' assets were divided, and the court ordered Rodney to pay $408 of Julie's attorney fees to equalize the property division.

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 the witnesses, but we are not bound by them. Iowa R. App. P. 14(f)(7).

Julie contends the district court erred in its valuation and division of the parties' property. We disagree.

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 or percentage distribution. Id. 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).

The parties presented conflicting evidence regarding the value of their property. The trial court's evaluations reflect its assessment of the credibility of the witnesses on this issue. We believe the trial court was in the best position to determine the credibility of the witnesses. Its valuations of the property are supported by credible evidence, and we will not disturb them on appeal. In re Marriage of Griffin, 356 N.W.2d 606, 608 (Iowa App. 1984). We affirm the division of property made by the district court.

Julie also argues the district court erred in failing to award her reimbursement and rehabilitative alimony. She claims her absence from the work force was at Rodney's request and that she is entitled to rehabilitative alimony so she can become self-supporting.

In determining whether alimony is appropriate we consider the earning capacity of each party and balance the

ability of the payor spouse against the needs of the payee spouse. See In re Marriage of Tzortzoudakis, 507 N.W.2d 183, 186 (Iowa App. 1993). Rehabilitative alimony is a way of supporting an economically dependent spouse through a limited period of education or training following divorce. In re Marriage of Francis, 442 N.W.2d 59, 63 (Iowa 1989). Reimbursement alimony is based upon economic sacrifices made by one spouse during the marriage that directly enhances the future earning capacity of the other. Id. at 64.

Our review of the record indicates Julie made no sacrifice leading to an increase in Rodney's earning capacity. The record shows she has the means to enroll in classes despite the fact her employer is no longer subsidizing her education. Balancing Rodney's ability to pay against Julie's need for alimony, we determine neither reimbursement or rehabilitative alimony is warranted. The district court is affirmed on this issue.

Julie also argues the district court erred in failing to require Rodney to pay her attorney fees. We disagree.

Iowa trial courts have considerable discretion in awarding attorney fees. In re Marriage of Giles, 338 N.W.2d 544, 546 (Iowa App. 1983). To overturn an award the complaining party must show the trial court abused its discretion. Id. Awards of attorney fees must be for fair

and reasonable amounts, In re Marriage of Willcoxson, 250 N.W.2d 425, 427 (Iowa 1977), and based on the parties' respective abilities to pay. In re Marriage of Lattig, 318 N.W.2d 811, 817 (Iowa App. 1982).

We find no abuse of discretion by the trial court. The award of $408 for attorney fees is affirmed.

On cross-appeal Rodney claims the court erred in failing to award him weekday evening visitation, birthday and father's day visitation.

Although liberal visitation rights are in the children's best interests, visitation should be reasonable and should not cause instability by unduly disrupting the children's routine. See In re Marriage of Weidner, 338 N.W.2d 351, 359 (Iowa 1983). Our de novo review leads us to conclude that the visitation schedule set out by the district court is appropriate and in the best interests of the children. However, we modify the schedule slightly and award Rodney visitation on Father's Day and Julie, Mother's Day, since both parties agree to this change. If either day conflicts with the weekend visitation schedule, it will take precedence over the weekend schedule.

We determine any other issues the parties may have raised are either covered by this opinion or are without merit. Costs of this appeal are assessed one-half to each party.

AFFIRMED AS MODIFIED.