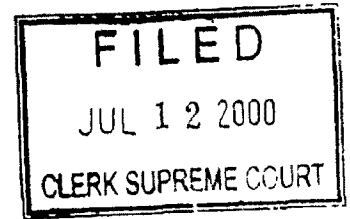


IN THE COURT OF APPEALS OF IOWA

No. 0-041 / 99-0627

Filed July 12, 2000



KATHLEEN R. STILL and RONALD E. STILL,

Plaintiffs-Appellees,

vs.

ROBERT STILL,

Defendant-Appellant.

Appeal from the Iowa District Court for Clinton County, Mark D. Cleve,
Judge.

Robert Still appeals the decision of the district court which granted plaintiffs' petition to partition certain property which had been held in joint tenancy. **AFFIRMED.**

William J. Bishop of Bribriesco Law Offices, Davenport, for appellant.

G. Wylie Pillers III and David M. Pillers of Pillers, Pillers & Zimmerman,
P.C., Clinton, for appellees.

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

PER CURIAM

Defendant-appellant Robert Still appeals the decision of the district court which granted the petition of plaintiff-appellee Kathleen Still to partition certain property which had been held in joint tenancy. Robert claims: (1) he overcame a rebuttable presumption the property had been held in joint tenancy; (2) the property was held in a constructive trust for his benefit; and (3) Kathleen is not entitled to a forty percent interest in the property. We affirm by memorandum opinion.

Our scope of review in this equitable proceeding is de novo. Iowa R. App. P. 4. We have a duty to examine the entire record and adjudicate anew rights on the issues properly presented. *State ex rel. Nicholson v. Toffee*, 494 N.W.2d 694, 695 (Iowa 1993). In equity cases, especially when considering the credibility of witnesses, the court gives weight to the fact findings of the trial court, but is not bound by them. Iowa R. App. P. 14(f)(7).

On our de novo review of the record in this case, we find the decision of the district court is equitable to all parties. Therefore, we affirm the decision of the district court.

Costs of this appeal are assessed to Robert.

AFFIRMED.