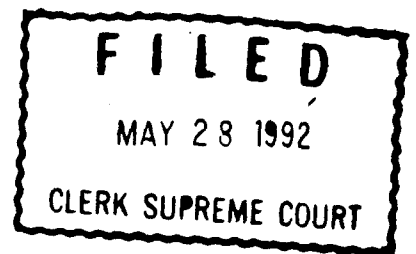


IN THE COURT OF APPEALS OF IOWA

No. 1-524 / 91-300



IN RE THE MARRIAGE OF PEGGY ANN FINERAN AND DENNIS JOHN
FINERAN

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Upon the Petition of

PEGGY ANN FINERAN,

Appellee,

And Concerning

DENNIS JOHN FINERAN,

Appellant.

Appeal from the Iowa District Court for Crawford
County, Gary E. Wenell, Judge.

Dennis Fineran appeals from the economic provisions of
the decree of dissolution entered by the district court.
AFFIRMED.

Robert L. Brink of Eller, Brink & Sextro, Denison, for
appellant.

Peggy Ann (Fineran) Hubler, Council Bluffs, pro se.

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

DONIELSON, P.J.

Dennis and Peggy were married on May 21, 1983. At that time Peggy was twenty-one and Dennis was thirty-two years old. The parties cohabited for approximately two years prior to their marriage. Two children were born of the marriage, Page in November 1983, and Connor in July 1987. The parties resided in Denison, Iowa, during the marriage.

Dennis has been employed by the City of Denison for seventeen years, most recently in the street department. His annual gross income from this employment is about \$19,136, and his net income is about \$1,198 per month. He has a pension with IPERS. Dennis also manages an apartment complex and has net income of \$400 per month from that job. He performs construction work in his spare time.

Peggy has primarily been a homemaker during the marriage. She moved to Council Bluffs after the parties separated. She works for a newspaper where she earns net income of \$785 per month. Peggy is also attending college classes in Council Bluffs and has approximately two years left to earn a bachelor's degree.

The district court awarded the parties joint legal custody of the children, with Peggy having primary physical care. Dennis was given specific visitation rights. Dennis must pay child support of \$237.50 per month per child. Each party received one income tax exemption for the children. No alimony was awarded. Peggy was awarded net assets of \$15,296 and Dennis was awarded net assets of

\$33,499. The court then ordered Dennis to pay Peggy a property settlement of \$8,500 in order to more equitably divide the assets. Dennis was required to pay \$750 toward Peggy's attorney fees. Following the decree, Dennis filed this appeal.

I. Our scope of review in dissolution cases is de novo. In re Marriage of Craig, 462 N.W.2d 692, 693 (Iowa App. 1990). While not bound by the trial court's determination of factual findings, we will give them considerable weight, especially when considering the credibility of witnesses. Id.

II. Dennis first asks for increased visitation. The district court specifically awarded him alternating weekends from 9:00 a.m. Saturday to 6:30 p.m. Sunday, and some holidays. Dennis asks for visitation from 6:00 p.m. Friday until 6:00 p.m. Sunday on his weekends with the children. The district court also awarded Dennis summer visitation for two weeks, extended to four weeks in another two years, and to six weeks two years after that. Dennis would like to have six weeks of summer visitation now.

In determining custody, the court should include liberal visitation, where appropriate, in order to afford the children the opportunity to maximize the continuing physical and emotional contact with both parents. In re Marriage of Deierling, 421 N.W.2d 168, 171 (Iowa App. 1988). The governing considerations, as always, are the best interests of the children. Id.

In this case we believe the district court took all of the relevant factors into consideration in making its decision regarding the visitation schedule. We remind the parties this schedule should be considered as a minimum amount of visitation and they are free to agree to visitation at other times. We affirm the visitation schedule as set forth by the district court.

III. Second, Dennis claims the district court ordered him to pay an excessive amount of child support. Dennis also asks to be allowed to declare both of the children as dependents for income tax purposes.

We see no reason for a downward modification of the trial court's child support award. We also find the district court's decision to award each party one income tax exemption for the children is most equitable.

IV. Dennis next contends the property distribution was not equitable. He asks us to eliminate the property settlement of \$8500 to Peggy, arguing he did not receive adequate credit for assets he brought to the marriage. He also asserts Peggy is not entitled to share in the portion of his IPERS account accumulated while the parties cohabited before they were married.

The partners in a 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). The Iowa courts do not require an equal division or percentage distribution. Id. The

determining factor is what is fair and equitable in each particular circumstance. Id.

We affirm the property distribution as set forth by the district court. Dennis admitted at trial that some of the assets he claimed he brought to the marriage had actually been purchased during the marriage. Also, we find Peggy may share in the portion of Dennis's IPERS account which accumulated while the parties cohabited before the marriage.

V. Finally, Dennis claims the district court abused its discretion in ordering him to pay \$750 towards Peggy's attorney fees. Iowa trial courts have considerable discretion in awarding attorney fees. In re Marriage of Hunt, 476 N.W.2d 99, 103 (Iowa App. 1991). To overturn an award the complaining party must show that the trial court abused its discretion. Id. We find the district court did not abuse its discretion here.

VI. After considering all of the issues presented by the appellant Dennis, we affirm the district court. Costs of this appeal are assessed to Dennis.

AFFIRMED.