FILED
JAN 31 1978
CLERK SUPREME COURT

81

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF DELORIS E. SMITH AND DOVE SMITH

UPON THE PETITION OF	)	
DELORIS E. SMITH,	)	Filed January 31, 1978
Appellee,	)	
AND CONCERNING	)	
DOVE SMITH,	)	389 3-60786
Appellant.	)	

Appeal from Cerro Gordo District Court - C. H. Wild, Judge.

Respondent appeals the child custody provisions of a marriage dissolution decree.

AFFIRMED.

Dove Smith, pro se.

Deloris E. Smith, pro se.

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

PER CURIAM

Respondent-Dove Smith appeals from the provision of a marriage dissolution decree which awarded to petitioner-Deloris Smith the custody of their minor child, Patricia Arletta. Apparently, he also appeals the visitation and attorney's fee aspects of the decree. Our review in this matter is **de novo.** Rule 4, Rules of Appellate Procedure.

The primary issue presented is whether the award of custody made by the district court is in the best interest of the child. Rule 14(f)(15), R. App. P. The principles applicable to the resolution of custody questions are summarized in In re Marriage of Winter, 223 N.W.2d 165, 166-167 (Iowa 1974).

While we accord weight to the findings of fact made by the trial court because the trial judge was personally able to hear and observe the witnesses, we are not bound by them. Rule 14(f)(7), R. App. P.; In re Marriage of Snyder, 241 N.W.2d 733 (Iowa 1976); In re Marriage of Callahan, 214 N.W.2d 133, 136 (Iowa 1974).

From our examination of the record, we find that both Dove and Deloris love Patricia and that the child would be well cared for by either parent. However, we conclude that the trial court did not err in awarding custody of Patricia to Deloris and that the record supports the difficult choice the trial court was forced to make. We have considered all other issues apparently raised by Dove and find them to be without merit.

AFFIRMED.