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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF MARSHA LOUISE BREWINGTON AND JOHN E. BREWINGTON

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Upon the Petition of)

MARSHA LOUISE BREWINGTON,)

Petitioner-Appellee,) Filed February 21, 1984

And Concerning)

JOHN E. BREWINGTON,) 3-404
83-951

Respondent-Appellant.)

Appeal from the Iowa District Court for Jefferson County - Dan F. Morrison, Judge.

Respondent husband appeals from the decree dissolving the parties' marriage, asserting that the trial court should have awarded him custody of the parties' two children and that the property division was inequitable. AFFIRMED.

Patrick J. Life of Life, Campbell & Rowe, Oskaloosa, for respondent-appellant.

J. W. McGrath of McGrath, McGrath & Watkins, Keosauqua, for petitioner-appellee.

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

Petitioner Marsha Louise Brewington and respondent John E. Brewington were married in 1966. During the marriage, Marsha did not work outside the home; she is now a waitress. John runs a small construction business out of a shop in the garage of the smaller of the parties' two houses. The other house is on an adjacent lot.

The parties have two children: Curtis, born in 1966, and Keith, born in 1969. After Martha brought this dissolution action, the boys went to live with John in the smaller house. They testified at trial that they want to live with John permanently.

The trial court gave Marsha custody of the boys. It also awarded her a car, her personal property, the boys' personal property, and the larger house. The trial court awarded John the smaller house with the shop, his tools and business vehicles, his personal property, and his retirement fund. The trial court directed him to pay all the parties' debts, including the mortgages on both houses.

John appeals from the dissolution decree, contesting the award of custody to Marsha and the equity of the property division. Our review is de novo. Iowa R. App. P. 4 (1983). We review the entire record and adjudicate anew the rights of the parties on issues properly presented and preserved. In re Marriage of Full, 255 N.W.2d 153, 156 (Iowa 1977). We are not bound by the trial court's findings of fact, but we give them weight, especially with regard to the credibility of witnesses. Iowa R. App. P. 14(f)(7); In re Marriage of Novak, 220 N.W.2d 592, 597 (Iowa 1974); In re Marriage of Bowen, 219 N.W.2d 683, 687 (Iowa 1974).

I. Child Custody. We review the trial court's order in light of the factors enumerated in In re Marriage of Winter, 223 N.W.2d 165, 166-67 (Iowa 1974), bearing on the determination as to which parent will better provide for the child's needs. As always, the paramount consideration in any custody dispute is the long-term best interests of the child. Iowa R. App. P. 14(f)(15); Schoonover v.

Schoonover, 228 N.W.2d 31, 34 (Iowa 1975); In re Marriage of Sparks, 323 N.W.2d 264, 266 (Iowa Ct. App. 1982).

Our review of the record indicates that the decision is indeed a close one. We are convinced that each party is capable of effectively ministering to the long-term best interests of the children. However, Marsha has cared for the two boys all of their lives and, thus, has better experience to continue to care for them. There was some testimony regarding John's excessive drinking habits. John works out of a shop in the smaller of the parties' two houses. It is logical to award him the smaller house. The smaller house has only one bedroom. This does not seem to be large enough to contain two teenage boys. The larger house, on the other hand, has three bedrooms. It is a stone's throw from John's house. It would be easy for the boys to go next door to learn their father's business and yet to return to their mother's charge for their permanent home. We find the trial court's solution to be the best one.

II. Property Distribution. John challenges the trial court's order which required him to make the mortgage payments for both houses. He claims that he received less than half of the value of the parties' total property, yet he is saddled with all of the debts. He asks us to make the disposition more equitable by requiring Marsha to pay the mortgage on the house she received.

In reviewing economic and property provisions of a dissolution decree, we consider all the provisions together as an integrated whole, see In re Marriage of McFarland, 239 N.W.2d 175, 179 (Iowa 1976), in light of the factors articulated in Schantz v. Schantz, 163 N.W.2d 398, 405 (Iowa 1968) (as modified in In re Marriage of Williams, 199 N.W.2d 339, 345 (Iowa 1972) (fault for breakdown of marriage eliminated from Schantz factors)), and the factors enumerated in Iowa Code section 598.21 (1983).

There is no requirement in a division of assets that parity between the parties be effected. In re Marriage of Schissel, 292 N.W.2d 421, 423 (Iowa 1980); In

re Marriage of Conley, 284 N.W.2d 220, 223 (Iowa 1979). Even if the trial court's goal was to divide the assets equally, there is no requirement that the division be mathematically precise. Conley at 223. The test for an acceptable allocation of assets is whether the distribution constitutes an equitable and just award under the particular circumstances of the parties. Locke v. Locke, 246 N.W.2d 246, 251 (Iowa 1976); Williams at 345; Schantz at 405.

In the instant case, John's adjusted gross income for the years 1978 to 1981 averaged $22,329. His income in 1982 was $9586. He was awarded property valued at approximately $64,820, including the shop property, plus the smaller house, valued at between $15,000 and $22,500. John is required to pay $40.00 per week in child support. He must make payments on life insurance showing the children as beneficiaries and on medical insurance on the children. He must pay half of the children's medical expenses not covered by insurance. He was charged with all of the parties' marital indebtedness, including the mortgages of both houses. The remaining mortgage on the house he occupies was $6913.50; $20,954.82 remains on Marsha's house. There are many debts outstanding, incurred before and after the petition for dissolution was filed, for the business' operating expenses.

The trial court found that Marsha's net income as a waitress from February to May, 1983, was $684. Marsha was awarded the large house, valued between $32,500 and $35,000, plus its contents and a car, valued together at $9752. It is not evident to us that John was shortchanged in the disposition of the parties' assets, as he claims. Under these circumstances, we find the trial court's disposition to be equitable. Marsha has no skills with which to earn any substantial income. She took care of the house and children for the seventeen years that the parties were married. John has been awarded his own business. The trial court found that "substantial indebtedness was incurred during the marriage for purposes of purchasing and operating respondent's business. The

residence property was pledged as security for part of the loans." We do not feel that it is inequitable for John to be charged with the debts that have made it possible for him to operate his business. The trial court appropriately charged him with the debts because of his greater ability to pay.

AFFIRMED.