IN THE COURT OF APPEALS OF IOWA

No. 1-232 / 90-1627

FILED
OCT 29 1991
CLERK SUPREME COURT

STEVEN KING, d/b/a KING CONSTRUCTION,

Appellee,

vs.

DENNIS E. GUSTAFSON,

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Defendant,

GLENN W. GUSTAFSON,

Appellant,

NANCY M. SWAN, NELDA A. GUSTAFSON, THE PRUDENTIAL INSURANCE COMPANY OF AMERICA, UNITED STATES OF AMERICA, and STORM LAKE PRODUCTION CREDIT ASSOCIATION,

Defendants.

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

Appellant appeals district court judgment awarding attorney fees and expenses to appellee in mechanic's lien action. **AFFIRMED.**

Thomas E. Gustafson of Gustafson Law Firm, Denison, for appellant.

R. J. Tilton of Nepper & Tilton, Denison, for appellee.

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

SCHLEGEL, P.J.

These parties have previously been before this court with this mechanic's lien action. See King v. Gustafson, 459 N.W.2d 651, 654 (Iowa App. 1990). In June 1987, by default judgment, King was awarded $19,553.33 plus interest and attorney fees of $1729.76 against Dennis Gustafson, owner of a one-quarter interest in the real estate subject to the lien. King proceeded to trial against the other owners and was successful on appeal against Glenn Gustafson. We remanded to the district court to consider King's claim for attorney fees.

King then filed his application for fees, and Gustafson resisted. King submitted two exhibits itemizing attorney time and expenses; the exhibits reveal total attorney fees of $10,587.99 and expenses of $613.75 at the district court level. The attorney time and expense incurred in the first appeal by King totaled $2838.25. After a hearing, the district court found that the total amount requested in attorney fees was unreasonable to recover a $19,553.33 mechanic's lien. Accordingly, the district court awarded King $7000 for attorney fees and $650.50 for expenses.

The trial court has broad discretion in determining attorney fees. Soldat v. Iowa Dist. Court for Emmet County, 283 N.W.2d 497, 499 (Iowa 1979) (citing Parrish v. Denato, 262 N.W.2d 281, 284 (Iowa 1978)). Contrary to appellant's belief, we do not review de novo. Tilton v. Iowa Power and Light Co., 94 N.W.2d 782, 786 (Iowa 1959).

Our standard of review for an award of attorney fees is abuse of discretion. In order to show an abuse of discretion, one generally must show that the court exercised its discretion "on grounds or for reasons clearly untenable or to an extent clearly unreasonable." State v. Blackwell, 238 N.W.2d 131, 138 (Iowa 1976) (citation omitted).

In determining attorney fees, services must have been reasonably necessary and valuation must be reasonable in amount. Hulse v. Wifvat, 306 N.W.2d 707, 709 (Iowa 1981). We determine the amount of fees and expenses are reasonable, and the trial court did not abuse its discretion in awarding them. The trial court had before it the itemization of time spent by King's attorneys. The court noted that it took into account only those hours expended through the time of the sheriff's sale in this matter. The court also properly reduced the unreasonable amount of fees requested to determine the final award. We have considered all of appellant's contentions, and we affirm the trial court's award of $7650.50 as attorney fees and expenses.

AFFIRMED.