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IOWA SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF MARY ELIZABETH SIEFKEN and JOHN FRANKLIN SIEFKEN

Upon the Petition of	)	
MARY ELIZABETH SIEFKEN,	)	
Petitioner-Appellant,	)	Filed October 27, 1981
And Concerning	)	
JOHN FRANKLIN SIEFKEN,	)	
Respondent-Appellee- Cross-Appellant.	)	<u>1-347</u> 2-66323

Appeal from Floyd District Court - Ray E. Clough, Judge.

Petitioner-wife appeals and respondent-husband cross-appeals from the economic provisions of their dissolution decree both asserting that the property division was inequitable. AFFIRMED.

M. D. Allison, Rockford, Iowa, for petitioner-appellant.

Alfred A. Beardmore, Charles City, Iowa, for petitioner-appellant.

James A. Erb of Erb, O'Donohoe and Frye, Charles City, Iowa, for respondent-appellee-cross-appellant.

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

PER CURIAM

Petitioner-wife appeals and respondent-husband cross-appeals from the economic provisions of their dissolution decree, both asserting that the property division was inequitable. The petitioner contends that the trial court did not give sufficient consideration to the assets she brought into the marriage and inherited during the marriage. Respondent argues that the petitioner was awarded substantially more than half of the assets acquired by the couple during the marriage as a result of joint efforts and further states that the property division, as determined by the trial court, will have adverse future adverse consequences on his ability to earn a living. He also requests attorney's fees for this appeal. We review these claims *de novo*. Iowa R. App. P. 4. In re Marriage of Joens, 284 N.W.2d 326, 327 (Iowa 1979).

Mary and John Siefken were married January 14, 1973; final dissolution decree was entered January 12, 1981. Each party had been married before and no children were born of this union. Both brought assets into the marriage and both received inheritances during the marriage. Evidence at trial was conflicting as to the value, sums, and increases of all of the assets involved. Besides their joint efforts toward the farming operations undertaken by the parties, each contributed something in the way of unique sacrifices in that petitioner cared for respondent's blind mother and respondent helped support petitioner's daughter from a previous marriage.

The parties resided on a farm in which petitioner had a life estate but spent jointly acquired money to improve it while also farming a property in which respondent owned a one-half interest. Both farms produced income. In addition, respondent operated a machine repair business which generated some income. The parties comingled their assets and incomes and made purchases for all expenses out of joint accounts without regard to whose asset had produced the money or which asset needed money expended upon it. As the trial court noted, "By virtue of merging in one account of items of income from various sources plus monies inherited it would be difficult to trace with any precision the monies attributable to the respective parties. On the record before the court such task would not be possible."

I. Property Division. The court did find that at the time of marriage petitioner owned assets valued by her at \$2,709 and the respondent owned assets of \$9,881. Petitioner inherited during the marriage \$64,250 from her father's estate which she deposited to the parties' joint checking account and another \$17,500 which she kept separately. She also inherited a life estate in a 160-acre farm. Petitioner asks that all of her contributions be returned to her and that only the increase that occurred during

the marriage be divided equally. She says this increase is \$62,368; respondent says it is \$60,992. Under the trial court's division of the assets of the parties, the total assets received by petitioner was \$96,083 and by respondent \$78,603. In so dividing the property, the trial court said:

[I]t is the intention of this court to divide the property in general recognition of the fact that Petitioner's financial contribution exceeded that of Respondent by virtue of the fact that Petitioner received all the income from her life estate on the farm, whereas, Respondent received only one half the income from his farm plus the fact that Petitioner inherited personal property from her father's estate substantially in excess of the amount inherited by Respondent from his mother's estate and that so near as feasible the present property of the respective parties should be divided so as to put each of the parties so near as possible in the status they would have been in had the marriage not occurred.

After carefully reviewing this complex record, we find the trial court fairly and equitably divided the property and gave due consideration to the factors enumerated in section 598.21, The Code. Because we approve the trial court's disposition of the parties' assets, we do not separately consider respondent's request for a greater share of the increase in value that occurred during the marriage. We do note, however, that respondent's alternative argument was to leave the trial court's disposition undisturbed if we were unwilling to increase the property award made to him.

II. Attorney's Fees. Respondent also requests attorney's fees for this appeal. Each party was responsible for his or her own attorney's fees at trial, and, in looking at each party's relative financial status, we find each should be responsible for his or her own fees for this appeal.

We have considered all of the arguments raised and find no reason to disturb the trial court's decree. Costs of appeal are assessed three-fourths to petitioner, one-fourth to respondent.

AFFIRMED.