FILED
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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE MARRIAGE OF JUDITH ANN BEINING
AND JAMES LLOYD BEINING

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Upon the Petition of)
JUDITH ANN BEINING,)
Petitioner-Appellee,)
And Concerning)
JAMES LLOYD BEINING,)
Respondent-Appellant.)

Filed March 9, 1988

7-611
87-730

Appeal from the Iowa District Court from Dubuque County (No. DM 5598), Alan L. Pearson, Judge.

Respondent husband appeals the decree dissolving the parties' marriage. **AFFIRMED.**

David A. Lemanski of Fuerste, Carew, Coyle, Juergens & Sudmeier of Dubuque for appellant.

Daniel P. Ernst and Paul D. Healey of Dubuque for appellee.

Considered by Oxberger, C.J., and Donielson and Hayden, JJ.

PER CURIAM

The respondent James Beining appeals the decree dissolving the parties' marriage. He argues the child support obligation is excessive, and that the property division is inequitable. We affirm.

Our review is de novo. Iowa R. App. P. 4. We give weight to the findings of the trial court, particularly where the credibility of witnesses is involved, but we are not bound by them. Iowa R. App. P. 14(f)(7).

James challenges the child support award as being excessive. The trial court ordered James to pay $575 a month to support the parties' child, Robin. He argues this is excessive because the court overvalued his monthly income. The court found James made at least $2,800 a month. This income is derived from his monthly salary and additional withdrawals from the corporation. James contends his monthly income is really $1,900 a month. He also complains the court did not consider Judy Beining's earning capacity in fashioning the child support obligation.

We agree with the trial court's findings. Initially, the trial court noted that the credibility of both parties was questionable. James' monthly income was based on his monthly salary plus his past practice of withdrawing approximately $10,000 a year in additional income. There is nothing in the record to indicate James will change this practice. We also therefore conclude his monthly income is $2,800.

Both parties have an obligation to support their children and this obligation should be apportioned according to the reasonable ability of each parent to contribute. In re Marriage of Heinemann, 309 N.W.2d 151, 153 (Iowa App. 1981). It is appropriate to consider the earning capacity of each parent in setting the child support award. In re Marriage of Wahlert, 400 N.W.2d 557, 560 (Iowa 1987).

In this case the earning capacity is concentrated in James' hands. Judy only earns $200 a month and there is little evidence to show she will earn more. James, on the other hand, earns $2,800 a month. In light of James' income and Judy's somewhat limited earning capacity the trial court's child support award is reasonable and will adequately address Robin's needs. We hold the trial court's child support award is not excessive and we will not disturb it.

James also challenges the property division. He argues a mathematical error skewed the division, the trial court incorrectly valued the assets he brought to the marriage, and the division was unequal.

In marriage dissolutions, there is no requirement that an equal division or a percentage division be made; an equitable and just award under the particular circumstances is required. In re Marriage of Hoak, 364 N.W.2d 185, 194 (Iowa 1985).

We find no error in the trial court's property division. The court had great difficulty in determining the value of the parties' property. This occurred because of the deceit shown by the parties in their prior dealings and the listing of personal assets as business assets. The court was forced to make a reasonable estimation based on the evidence presented. Our de novo review leads us to the same conclusion as the trial court, both as to valuation and property division.

The trial court awarded James all the property he brought into the marriage. The court also adjusted the award for debts brought in by Judy and, additionally, rewarded James for his efforts in making his business a profitable one. The court's division also gave each party a balanced share of the liquid assets with James getting the bulk of the income-producing assets. After an examination of the record, we conclude the trial court's property division is fair and equitable and affirm it.

The judgment of the district court is affirmed.

AFFIRMED.