

IN THE COURT OF APPEALS OF IOWA

No. 1-435 / 10-1903

Filed July 13, 2011

**IN RE THE MARRIAGE OF CHRISTOPHER D. KRIEG
AND TRISHA R. KRIEG**

**Upon the Petition of
CHRISTOPHER D. KRIEG,**
Petitioner-Appellee,

**And Concerning
TRISHA R. KRIEG,**
Respondent-Appellant.

Appeal from the Iowa District Court for Plymouth County, Steven
Andreasen, Judge.

Wife appeals the economic provisions of the decree dissolving her
marriage. **AFFIRMED.**

Bradford Kollars and Michele M. Lewon of Kollars & Lewon, P.L.C., Sioux
City, for appellant.

Bradley K. DeJong of Klay, Veldhuizen, Bindner, De Jong, De Jong &
Halverson, P.L.C., Orange City, for appellee.

Considered by Eisenhauer, P.J., and Potterfield and Tabor, JJ.

EISENHAUER, P.J.

Trisha Krieg appeals the economic provisions of the decree dissolving her marriage to Christopher Krieg. Alternatively, Trisha seeks additional alimony. We affirm.

Trisha and Christopher married in 1997 and have three children. Trisha is a high school graduate and works at the school attended by the children. This allows her to be near a child with special medical needs. Christopher is a farmer with individual farming operations and an interest in Krieg Pork, Inc. (Krieg Pork). When Krieg Pork was formed in 2005, Christopher's ownership interest was twenty percent, and his father's ownership interest was eighty percent. In early December 2007, Christopher's father transferred stock to Christopher as a gift. After this gift Christopher owned sixty percent of Krieg Pork. In August 2008, Christopher filed a petition for dissolution of marriage.

On August 11, 2010, following a three-day trial, the court entered a detailed and well-reasoned dissolution decree. The trial court found "both parties' claims and positions concerning their financial status . . . lack credibility." The court concluded: "Christopher's claimed assets, values, and income have been embellished and have not represented an accurate picture of his financial status both before and after the parties' separation."

The court awarded Trisha a \$175,000 equalization payment and \$215,913 total net marital property. Christopher was awarded the farm assets and significant farm-related debt. The court disallowed \$282,000 of Christopher's claimed debt to his father and his father's farm corporation, stating "this claim and accounting" is not credible. Additionally, the court valued Krieg Pork at the

time of trial as “a negative \$1,370,588.” The court ruled Christopher’s *marital interest* in Krieg Pork was twenty percent (negative \$274,118) and did not include the December 2007 gift percent (negative \$548,235). Christopher’s total net property award was \$174,476. The court recognized Trisha’s net property award was higher but ruled an unequal division is equitable because (1) Christopher’s earning capacity is greater and (2) “a significant portion of Christopher’s debts and the diminished net worth has accrued since the parties’ separation.”

The court required Christopher to pay alimony in the amount of \$1000 per month for five years:

Again, the parties lived beyond their means. Neither will be able to maintain that same standard of living. The [rehabilitative alimony], however, is intended to allow Trisha to maintain a lifestyle comparable to Christopher until she can maintain that lifestyle on her own. As the children get older, the need for Trisha to work at the school will decrease.

The court ruled the parties’ agreement to joint legal care of their children with physical care to Trisha and visitation to Christopher was in the best interests of the children. Christopher’s child support obligation under the guidelines is \$1479.84 per month. However, the court concluded an upward deviation to \$1800 per month “is necessary to provide for the needs of [one child], specifically the additional expenses related to his medical conditions.”

Trisha appeals seeking what she perceives to be a more equitable distribution of the assets. Trisha claims additional farm-related debt should be disallowed thereby increasing her property settlement to \$610,000. See *In re Marriage of Fennelly*, 737 N.W.2d 97, 104-106 (Iowa 2007) (concluding husband

dissipated marital assets after filing of dissolution petition). Alternatively, she seeks additional alimony. Trisha requests appellate attorney fees.

As an equitable action, we review dissolution proceedings de novo. Iowa R. App. P. 6.907. However, we recognize “deference to the trial court’s determination is decidedly in the public interest.” *In re Marriage of Benson*, 545 N.W.2d 252, 257 (Iowa 1996). “When appellate courts unduly refine these important, but often conjectural, judgment calls, they thereby foster appeals in hosts of cases, at staggering expense to the parties wholly disproportionate to any benefit they might hope to realize.” *Id.*

On our de novo review, we find no inequity with the economic provisions of the decree and will not disturb them on appeal. See *In re Marriage of Vieth*, 591 N.W.2d. 639, 641 (Iowa Ct. App. 1999) (holding “we give strong deference to the trial court which, after sorting through the economic details of the parties, made a fair division supported by the record”). The trial court made extensive findings and supported them with specific evidence. The court found the evidence of some farm-related debt credible and divisible and evidence of some debt not credible and not divisible. Our review of the record does not convince us the trial court’s disposition of the parties’ property should be modified.

In conjunction with the property division, we find the award of alimony was appropriate. See Iowa Code § 598.21A (2007). We agree with the district court’s analysis in its November 2010 post-trial ruling:

The Court would note that [Christopher’s] annual earnings were previously found to be just over \$90,000. This is a gross monthly income of \$7500. Pursuant to the Decree, [Christopher] is obligated to pay child support in the amount of \$1800 per month and spousal support in the amount of \$1000 per month, leaving a

total of \$4700 per month. [Trisha's] current income is just over \$1000 per month. She also will be receiving \$1000 per month in spousal support and \$1800 in child support for a total of \$3800 per month. . . . [T]he Court would further note that [Christopher] is obligated to pay a significantly greater amount of debt than [Trisha]. [\$1,447,724 to \$12,612]. [Trisha] was also awarded a property distribution judgment in the amount of \$175,000. Based upon these circumstances . . . the Court concludes that an award of spousal support in the amount of \$1000 per month for five years is appropriate.

We decline to award appellate attorney fees. See *In re Marriage of Kurtt*, 561 N.W.2d 385, 389 (Iowa Ct. App. 1997). Costs of this appeal are taxed one-half to each party.

AFFIRMED.