

IN THE COURT OF APPEALS OF IOWA

No. 2-793 / 11-1440
Filed October 17, 2012

**IN RE THE MARRIAGE OF JOAN GREIMANN
AND CORY GREIMANN**

**Upon the Petition of
JOAN GREIMANN,**
Petitioner-Appellee/ Cross-Appellant,

**And Concerning
CORY GREIMANN,**
Respondent-Appellant/ Cross-Appellee.

Appeal from the Iowa District Court for Marshall County, Kurt J. Stoebe,
Judge.

Joan Greimann appeals the economic and custody provisions of the
decree dissolving her marriage to Cory Greimann. **AFFIRMED.**

Melissa A. Nine of Kaplan, Frese & Nine, LLP, Marshaltown, for petitioner-
appellant.

Kevin A. Fors, Harcourt, for respondent-appellant.

Considered by Vaitheswaran, P.J., and Potterfield and Bower, JJ.

POTTERFIELD, J.

Joan Greimann appeals certain provisions of the decree dissolving her marriage to Cory Greimann.¹ She contends the district court erred in certain aspects of its property division, setting the drop-off point for visitation, its allotment of the tax exemption for the parties' child, and in not awarding her further attorney fees. She also requests appellate attorney fees. We affirm, finding the property division equitable, custody provisions well-reasoned, and the assessment of attorney fees within the district court's discretion. We decline to award appellate attorney fees.

Joan and Cory were married September 22, 2004. The marriage was plagued with financial difficulties and sometimes abusive conduct by Cory. On July 21, 2010, Joan filed a petition for dissolution of marriage. Trial was held June 2, 2011, and the decree of dissolution was entered June 22, 2011. The decree provided Joan with sole custody of the parties' daughter, awarded her possession of the marital home, and required Cory to pay child support, among other provisions. On July 5, Joan filed a motion to amend and enlarge regarding various aspects of the property settlement, visitation exchange arrangements, and child support payments. She also requested alteration of the no-contact order. Cory filed a response and a post-trial order was entered August 10. The post-trial order corrected the valuation of equity in the home, declined to further reduce the amount Joan owed to Cory for the home's value, changed the

¹ Cory Greimann's appeal was dismissed for failure to comply with briefing requirements. We therefore refer to Joan's remaining cross-appeal as the appeal for purposes of this opinion.

exchange point for visitation, declined to alter the no-contact order, and clarified child support payment information.

Joan appeals, alleging error in the following property provisions of the decree: the division of the marital home, the division of horse trailer proceeds, the division of the parties' horses, the assessment of equipment debt, and the division of her retirement benefits. She also contended the visitation exchange point should be located at a sheriff's office closer to her home, and that the tax exemption for the parties' daughter should have been unconditionally awarded to her. She also contends the trial court should have awarded her further attorney fees and requests appellate attorney fees.

We review dissolution of marriage cases de novo. *In re Marriage of Veit*, 797 N.W.2d 562, 564 (Iowa 2011). We give weight to the district court's findings, especially its credibility determinations. *In re Marriage of Hansen*, 733 N.W.2d 683, 690 (Iowa 2007). We afford the district court considerable latitude in its property distribution determination pursuant to the statutorily enumerated factors, and disturb its finding only when the award is inequitable. *In re Marriage of Anliker*, 694 N.W.2d 535, 542 (Iowa 2005). We review the award of attorney fees for abuse of discretion. *In re Marriage of Sullins*, 715 N.W.2d 242, 247 (Iowa 2006).

The district court carefully considered the distribution of marital property and, upon our de novo review, we find it equitable. We also find no abuse of discretion in the district court's award of attorney fees. Regarding the drop-off point and tax exemption issues, we find the district court thoroughly and completely addressed each of the arguments now raised on appeal. We agree

with the court's well-reasoned findings and therefore affirm pursuant to Iowa Court Rule 21.29(1)(d) and (e).

When considering an award of appellate attorney fees, we consider the needs of the party making the request, the ability of the other party to pay, and whether the party making the request was obligated to defend the district court's decision on appeal. See *In re Marriage of Maher*, 596 N.W.2d 561, 568 (Iowa 1999). Given Joan's ability to pay and the merits of her appeal, we decline to award appellate attorney fees in this case.

AFFIRMED.