

**IN THE COURT OF APPEALS OF IOWA**

No. 2-897 / 12-0067  
Filed November 15, 2012

**IN RE THE MARRIAGE OF JENNIFER ABIGAIL  
FREUND AND JAY R. FREUND**

**Upon the Petition of**

**JENNIFER ABIGAIL FREUND,**  
Petitioner-Appellee

**And Concerning**

**JAY R. FREUND,**  
Respondent-Appellant.

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Appeal from the Iowa District Court for Scott County, Thomas G. Reidel,  
Judge.

A husband appeals the provisions of the decree dissolving his marriage.

**AFFIRMED.**

Jay Freund, Blue Grass, appellant pro se.

Maria K. Pauly, Davenport, for appellee.

Considered by Doyle, P.J., and Mullins and Bower, JJ.

**MULLINS, J.**

Jay Freund appeals the district court decree dissolving his sixteen-year marriage to Jennifer Freund. Jay asserts the district court erred in considering inadmissible hearsay evidence and disregarding other credible testimony in making its determinations of custody and visitation, property distribution, and attorney fees. Based on our de novo review of the record, we agree with the findings and conclusions contained in the thorough and well-reasoned opinion of the trial court. To the extent inadmissible hearsay was considered by the court, this evidence was cumulative to other evidence the court found reliable, and the admissible evidence supports the court's conclusions. We therefore affirm the district court's decision without opinion pursuant to Iowa Rule of Appellate Procedure 6.1203(a) and (d).

We also find Jennifer is entitled to an award of appellate attorney fees in the amount of \$1500, as she was required to defend the district court's action on appeal and Jay has the ability to pay. See *In re Marriage of Applegate*, 567 N.W.2d 671, 675 (Iowa Ct. App. 1997).

**AFFIRMED.**