

IN THE COURT OF APPEALS OF IOWA

No. 8-451 / 07-1542
Filed July 30, 2008

**IN RE THE MARRIAGE OF TERRENCE
M. ELLSWORTH AND MELINDA C.
ELLSWORTH**

**Upon the Petition of
TERRENCE M. ELLSWORTH,**
Petitioner-Appellant,

**And Concerning
MELINDA C. ELLSWORTH,**
Respondent-Appellee.

Appeal from the Iowa District Court for Scott County, Nancy S. Tabor,
Judge.

Petitioner appeals from the economic provisions of district court's order
dissolving his marriage to Respondent. **AFFIRMED.**

Jennie Clausen of Cartee & Clausen Law Firm, P.C., Davenport, for
appellant.

Richard Davidson of Lane & Waterman, Davenport, for appellee.

Considered by Vogel, P.J., and Zimmer and Eisenhauer, JJ.

VOGEL, P.J.

Terrence Ellsworth appeals from the economic provisions of the decree dissolving his marriage to Melinda Ellsworth. On May 18, 2007, following a two-day trial, the district court entered a detailed and well-reasoned decree dissolving the parties' marriage. Subsequent to the dissolution decree, both parties moved to enlarge or amend pursuant to Iowa Rule of Civil Procedure 1.904(2), which was followed by a second and third district court ruling addressing the particular complaints of the parties. Terrence appeals, continuing to seek what he perceives to be a more equitable distribution of the parties' assets and liabilities, along with increased spousal support, additional trial attorney fees, and appellate attorney fees.

We review the provisions of a dissolution decree de novo. Iowa R. App. P. 6.4; *See In re Marriage of Benson*, 545 N.W.2d 252, 257 (Iowa 1996) (“Even though our review is de novo, we accord the trial court considerable latitude in making this determination and will disturb the ruling only when there has been a failure to do equity. This deference to the trial court’s determination is decidedly in the public interest. 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.”). The district court discussed that the parties did not enter evidence regarding the value of every piece of property, but “[t]he values on the joint statement provided to the Court are the best estimate of the current value of the items listed.” The district court adopted the values on the joint statement and

made its findings, including two post-trial rulings, “[a]fter an extensive review of all the evidence, the exhibits and the testimony.”

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) (“While we do not intend to minimize the claims made on appeal, 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.”) In conjunction with the property division, we find that the award of spousal support was appropriate. We further find no abuse of discretion in the award of trial attorney fees. See *In re Marriage of Wessels*, 542 N.W.2d 486, 491 (Iowa 1995) (“An award of trial attorney fees rests in the sound discretion of the trial court and will not be disturbed on appeal in the absence of an abuse of discretion.”). We award no appellate attorney fees. See *In re Marriage of Kurtt*, 561 N.W.2d 385, 389 (Iowa Ct. App. 1997) (stating the factors to be considered in awarding appellate attorney fees). Costs of this appeal are assessed to Terrence.

AFFIRMED.