

IN THE COURT OF APPEALS OF IOWA

No. 14-0297
Filed October 15, 2014

**IN RE THE MARRIAGE OF KATHRYN MARIA SALISBURY
AND ERIC DAVID SALISBURY**

**Upon the Petition of
KATHRYN MARIA SALISBURY,**
Petitioner-Appellant/Cross-Appellee,

**And Concerning
ERIC DAVID SALISBURY,**
Respondent-Appellee/Cross-Appellant.

Appeal from the Iowa District Court for Linn County, Kellyann Lekar,
Judge.

The parties appeal and cross-appeal the award of joint physical care of
their minor child. **AFFIRMED.**

Andrew B. Howie of Hudson, Mallaney, Shindler & Anderson, P.C., West
Des Moines, for appellant.

Jeannine L. Roberts, Cedar Rapids, for appellee.

Considered by Vaitheswaran, P.J., and Doyle and McDonald, JJ.

MCDONALD, J.

Kathryn “Maria” Salisbury appeals from the order entered August 6, 2013, dissolving the marriage between Maria and Eric Salisbury and subsequent orders regarding the parties’ respective Iowa Rule of Civil Procedure 1.904(2) motions. On appeal, Maria contends the district court erred in awarding the parties joint physical care of their minor child instead of awarding Maria primary care of the child. Eric filed an untimely cross-appeal in which he requested primary care of the child if this court determined joint physical care was not in the child’s best interests. Eric also requested an award of appellate attorney fees.

We review the district court’s findings and conclusions de novo. *See In re Marriage of Brown*, 776 N.W.2d 644, 647 (Iowa 2009); *In re Marriage of Hansen*, 733 N.W.2d 683, 690 (Iowa 2007). An award of appellate attorney fees is within our sound discretion. *See Spiker v. Spiker*, 708 N.W.2d 347, 360 (Iowa 2006). The parties stipulated to the resolution of most issues related to the dissolution of their marriage. Trial of this matter focused almost exclusively on the issue of physical care. The district court’s order dissolving the parties’ marriage and awarding joint physical care is supported by the record and is well-reasoned, as are the district court’s orders regarding the parties’ respective rule 1.904(2) motions. We adopt the district court’s findings and conclusions as our own.

This appeal presents only the application of well-settled rules of law to a recurring fact situation and a full opinion would not augment or clarify existing case law. The judgment of the district court is affirmed without further opinion. *See* Iowa Ct. R. 21.26(1)(a), (d), and (e). Eric’s cross-appeal is dismissed as

untimely. Court costs and fees shall be assessed to Maria. Each party shall be responsible for their respective attorney's fees.

AFFIRMED.