FILED
SEP 20 1979
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

FIDELITY BANK & TRUST,	)	
Plaintiff-Appellant,	)	Filed September 20, 1979
vs.	)	
WALTER C. WOHLFORD and MARY WOHLFORD,	)	229 2-62760
Defendants-Appellees.	)	

Appeal from Dubuque District Court - Karl Kenline, Judge.

Plaintiff appeals from judgment for defendant awarding damages for wrongful seizure in a replevin action. APPEAL DISMISSED.

Moss & Heims of Dyersville, for appellant.

James H. Reynolds of Dubuque, for appellee.

Submitted to Oxberger, C.J., and Donielson, Snell, Carter and Johnson, JJ.

PER CURIAM

Plaintiff appeals from judgment for defendant awarding damages for wrongful seizure in a replevin action. The trial court fixed damages for defendant's loss of their contractual lien in the amount of $1,800.00. This was the maximum amount of recovery allowable under our decision of August 31, 1978 in a previous appeal of this action. It is plaintiff's liability for this amount, only, which is being appealed.

The amount specified in Iowa R. App. P. 3, as a condition for appellate review, is jurisdictional. See Albion Elev. Co. v. Chicago & N.W. Transp. Co., 254 N.W.2d 6, 11 (Iowa 1977). If an appellate court does not have jurisdiction over the subject matter of an appeal, the appeal must be dismissed even though the appellee has not moved for its dismissal. Qualley v. Chrysler Credit Corp., 261 N.W.2d 466, 468 (Iowa 1978). The appeal is therefore dismissed.

APPEAL DISMISSED.