IN THE COURT OF APPEALS OF IOWA

No. 1-262 / 90-1314

FILED
NOV 26 1991
CLERK SUPREME COURT

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MELVIN F. SCHNEIDER and **LORETTA C. SCHNEIDER,**

Appellants,

vs.

RICHARD K. SCHENK and **KATHRYN RUTH SCHENK,**

Appellees.

Appeal from the Iowa District Court for Washington County, Richard J. Vogel, Judge.

Plaintiffs appeal from a judgment of the district court fixing boundaries between properties owned by the plaintiffs and the defendants. **AFFIRMED BY OPERATION OF LAW.**

Richard S. Bordwell of Bordwell Law Office, Washington, for appellants.

Douglas L. Tindal of Shearer & Tindal, Washington, for appellees.

Considered by Oxberger, C.J., and Donielson and Habhab, JJ., but decided en banc.

PER CURIAM

The court being equally divided, the judgment is affirmed by operation of law. Iowa Code § 602.5106(1) (1989).

AFFIRMED.

For affirmance: Oxberger, C.J., and Donielson and Habhab, JJ.

For reversal: Schlegel, Hayden, and Sackett, JJ.