FILED
FEB 26 1986
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

CAL-CAR FARM SERVICE,	)	
Plaintiff-Appellee,	)	
vs	)	Filed February 26, 1986
ROBERT RICKERS,	)	53
Defendant-Appellant.	)	
ROBERT RICKERS,	)	
Counterclaimant-Appellant,	)	5-620 84-1287
vs	)	
CAL-CAR FARM SERVICE,	)	
Defendant-Appellee.	)	

Appeal from the Iowa District Court for Crawford County (26608) - Phillip S Dandos, Judge.

Defendant appeals an adverse verdict in an action by plaintiff to recover the purchase price of a grain-drying system. **AFFIRMED.**

Colin J. McCullough of the McCullough Law Firm, Sac City, Iowa, for defendant-appellant.

Stephan M. Engelhardt of th Engelhardt Law Office, Denison, Iowa; and Robert Kohorst of Louis, Moore, Kohorst, Louis, Murtaugh & Kohorst, Harlan, Iowa, for plaintiff-appellee.

Heard by Donielson, P.J., Snell, and Schlegel, JJ.

SCHLEGEL, J.

Defendant appeals an adverse verdict in an action by plaintiff to recover the purchase price of a grain-drying system. We affirm.

Plaintiff Cal-Car Farm Services brought this action against defendant Robert Rickers seeking payment for a grain-drying system that it supplied and constructed for plaintiff. Plaintiff denied defendant had substantially performed its part of the contract and counterclaimed for damages approximately equal to the cost of the system. The case was tried to the court. The trial court entered judgment for plaintiff Cal-Car and awarded it $53,235.25.

Defendant alleges on appeal that the trial court erred in admitting certain parol evidence alleged to be hearsay. He also contends that the trial court erred in finding Cal-Car had substantially performed under the contract.

We note at the outset of our discussion a serious question as to whether jurisdiction for this appeal remains, due to the withdrawal by appellant of the posttrial motions by service of notice of appeal. See Recker v. Gustafson, 271 N.W.2d 738, 739 (Iowa 1978). Additionally, Iowa Rule of Appellate Procedure 15(a) has not been followed with respect to the appendix filed by appellant. The appendix does not contain: (1) pleadings, (2) judgment or findings, (3) a list of relevant docket entries, or (4) notice of appeal. These shortcomings on the part of appellant may well have denied this court jurisdiction. However, in the interest of judicial economy, and in view of the failure of appellee to raise these issues, we consider the appeal.

Our scope of review in this law action is for the correction of errors at law. Iowa R. App. P. 4. The trial court's findings of fact have the force of a special verdict and are binding on us if supported by substantial evidence. Iowa R. App. P. 14(f)(1). The record demonstrates that the trial court's findings are supported by substantial evidence. We therefore affirm the judgment.

We hold also the costs associated with printing the appendices shall be taxed to appellant

Because we have decided to consider this appeal and hold the trial court did not err in its finding of fact and its application of law, the judgment is therefore affirmed

AFFIRMED