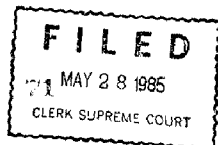


IN THE COURT OF APPEALS OF IOWA



LEONARD AND THELMA DUGGER,)

Plaintiffs-Appellees,)

Filed May 28, 1985

vs.)

HILL-MONT LAND COMPANY and)

CENTRAL IOWA RAILWAY AND)

DEVELOPMENT CO.,)

5-163
84-1121

Defendants-Appellants.)

Appeal from the Iowa District Court for Keokuk County - James D. Jenkins,
Judge.

Defendants appeal from the district court decree quieting title in abandoned
rail line property in favor of the plaintiffs. AFFIRMED.

Thomas D. Hobart of Meardon, Sueppel, Downer & Hayes, Iowa City, Iowa,
for defendants-appellants.

Allen A. Anderson of Spayde, White & Anderson, Oskaloosa, Iowa, for
plaintiffs-appellees.

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

SCHLEGEL, J.

Plaintiffs, Leonard and Thelma Dugger, brought an action to quiet the title to a 100-foot strip of land passing through their farm land located in Keokuk County, Iowa. The land in question had served as a railroad right-of-way since its conveyance in 1879 by warranty deed to the Iowa City and Western Railway Company or the Burlington, Cedar Rapids and Northern Railway Company of Iowa, whichever constructed a railway, paid \$1.00, and located a depot in the township. The deed stated that the railroad "shall have, hold and enjoy the land forever," and declared that the land was transferred "for railway purposes" and that it could be used ". . . for any and all uses and purposes in any way connected with the construction, operation, preservation, occupation and improvement of said railway"

Following trial, the court held that the intent of the original grantee of the deeds in question was to convey an easement rather than a fee. We agree. The language used was of an easement for railway purposes. Upon abandonment, the right-of-way reverted to the successors in interest to the original grantors of the right-of-way.

Defendants ask us to overrule Hawk v. Rice, 325 N.W.2d 97 (Iowa 1982). We believe that case correctly states the rule of this case, and represents the Iowa law on this subject.

On our de novo review, we affirm the trial court in toto.

AFFIRMED.