

IN THE COURT OF APPEALS OF IOWA

FILED

JAN 26 1983

CLERK SUPREME COURT

SOUTH OTTUMWA SAVINGS BANK)
of Ottumwa, Iowa,)

Plaintiff-Appellee,)

Filed January 26, 1983

00164

vs.)

LARRY L. SEDORE and CAROLYN)
J. SEDORE, Husband and Wife,)

2-383
2-67870

Defendants-Appellants.)

Appeal from Davis District Court - James Jenkins, Judge.

Defendants appeal from a decree foreclosing the plaintiff bank's mortgage against defendants' farm. **AFFIRMED.**

Thomas M. Walter, Ottumwa, Iowa, for defendants-appellants.

Michael C. Vinyard, Ottumwa, Iowa, for plaintiff-appellee.

Considered en banc.

PER CURIAM

The trial court granted the plaintiff bank a decree foreclosing a mortgage the bank held against the defendants' farm. In so ruling the trial court, acting as finder of fact, concluded the defendants had failed to prove their defense that the parties had agreed to extend a payment deadline indefinitely pending the defendants' receipt of an insurance check.

The defendants have appealed from the decree of foreclosure; they contend the trial court erred by finding they had failed to prove their defense.

Upon our **de novo** review of the entire record we agree with the trial court that the defendants did not prove an extension of the payment deadline.

The trial court's decree of foreclosure is therefore affirmed.

The note and mortgage in question provide for attorney fees. We find that \$3,249.86 is a reasonable amount for attorney fees, costs and expenses on appeal. It is ordered that these costs be taxed against the appellants.

AFFIRMED.