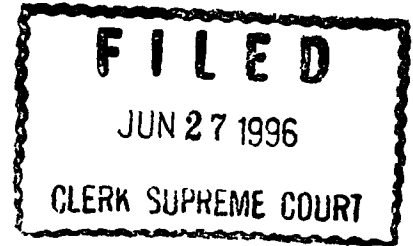


IN THE COURT OF APPEALS OF IOWA

No. 6-352 / 95-1998



LOWELL R. ROTT,
Appellee,

vs.

JAN BOCKENSTEDT and MICHELLE BOCKENSTEDT,
Appellants.

Appeal from the Iowa District Court for Clayton County, John Bauercamper,
Judge.

Jan and Michelle Bockenstedt challenge the order denying their motion to set
aside a default judgment. **AFFIRMED.**

Les V. Reddick and Michael Gau of Kane, Norby & Reddick, P.C., Dubuque,
for appellant.

Gary L. Mick of Schuster & Mick, Guttenberg, for appellee.

Considered by Sackett, P.J., and Huitink and Streit, JJ.

PER CURIAM

This is an appeal by defendants claiming the district court should have granted their motion to set aside a default judgment. They claim the court abused its discretion by finding they failed to show good cause to set aside the default. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

On August 28, 1995, Lowell Rott filed an action against Jan and Michelle Bockenstedt seeking the return of three horses and damages. On September 20, 1995, the district court entered a default judgment against the Bockenstedts. The court granted Rott possession of the three horses and awarded him damages of \$4,500. On September 27, 1995, Rott recovered one of the horses.

The Bockenstedts filed a motion to set aside the default judgment on September 28, 1995. After a hearing, the district court denied the motion. The court found defendants had failed to show good cause for their failure to timely file an answer in the case. Defendants now appeal.

Defendants claim the district court abused its discretion by finding they had failed to show good cause to set aside the default. Michelle testified Jan frequently traveled due to his profession of trimming cattle hooves, and they were not in constant communication. She stated she thought Jan had paid the retainer for an attorney, and he thought she had done it. She stated they intended to defend against the action.

District courts are vested with broad discretion in ruling on a motion to set aside a default. *Millington v. Kuba*, 532 N.W.2d 787, 791 (Iowa 1995). Generally,

we find such an abuse only when there is a lack of substantial evidence to support the district court's ruling. *Id.*

The burden is on the movant to plead and prove good cause to set aside a default under Iowa Rule of Civil Procedure 236. *Central Nat'l Ins. Co. of Omaha v. Insurance Co. of North America*, 513 N.W.2d 750, 754 (Iowa 1994). Good cause is a sound, effective, and truthful reason. *Id.* It is something more than an excuse, a plea, apology, extenuation, or some justification, for the resulting effect. *Id.*

We find there is substantial evidence to support the district court's finding that defendants had not shown good cause to set aside the default. In denying the motion to set aside the default, the court must have come to the conclusion Michelle was not credible in her testimony she and Jan each believed the other was paying the retainer for an attorney. Other than discussing the matter with each other, there was no evidence the defendants took any action to defend against the petition. We conclude the district court did not abuse its discretion in refusing to set aside the default.

We affirm the decision of the district court. Costs of this appeal are assessed to defendants.

AFFIRMED.