IN THE COURT OF APPEALS OF IOWA

No. 9-493 / 89-440

FILED
JAN 25 1990
CLERK SUPREME COURT

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**JOHN BAKKER AND MARGARET BAKKER,**

Appellants,

vs.

**LARRY J. HOFMAN AND KATHY HOFMAN,**

Appellees.

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Appeal from the Iowa District Court for O'Brien County, James L. McDonald, Judge.

Appellants appeal from a district court judgment dismissing their conversion action based on the appellees' removal of a pole building and grain bin prior to the forfeiture of their contract with appellants. Appellants contend the district court erred in determining the parties' contract barred a suit for conversion and for an alleged breach of the forfeiture provisions of the contract. **AFFIRMED BY OPERATION OF LAW.**

David L. Updegraff of David L. Updegraff, P.C., Sioux City for appellants.

Loren J. Veldhuizen of Klay, Veldhuizen, Bindner & De Jong, Alton, for appellees.

Considered en banc.

**PER CURIAM.**

The court being equally divided, the judgment is affirmed by operation of law. Iowa Code § 602.5106(1) (1987).

**AFFIRMED.**

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

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