IN THE COURT OF APPEALS OF IOWA

No. 6-287 / 94-1913

STATE BANK OF LAWLER,
Appellee,

vs.

ROBERT M. RAUSCH and **MARY A. RAUSCH,**
Appellants.

Appeal from the Iowa District Court for Fayette County, John Baurcamper, Judge.

Robert and Mary Rausch appeal a district court ruling granting summary judgment in favor of the State Bank of Lawler in the bank's replevin action. **AFFIRMED.**

Robert M. and Mary A. Rausch, Waucoma, pro se.

Richard D. Zahasky of the Zahasky Law Office, Decorah, for appellee.

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

PER CURIAM

This is an appeal by defendants claiming the plaintiff Bank should not have been permitted to proceed with its replevin action against them. The district court granted summary judgment to the Bank. We affirm on appeal by memorandum opinion pursuant to Iowa Supreme Court Rule 9.

The State Bank of Lawler had a security interest in certain farm equipment owned by defendants Robert and Mary Rausch. The Rausches were previously involved in Chapter 11 bankruptcy reorganization proceedings, but later filed a Chapter 7 bankruptcy proceeding. The bankruptcy court determined the Bank had a purchase money security interest in the farm equipment. The court lifted the bankruptcy stay to allow the Bank to pursue its State remedies.

The Bank then filed a replevin action in district court. The Rausches claimed they were not in default and stated the Bank did not have a purchase money security interest in some of the equipment. The court granted the Bank's motion for summary judgment, finding the bankruptcy court order was not subject to collateral attack. The Rausches now appeal.

The Rausches contend the Bank did not have a purchase money security interest in certain items of equipment. They state they received the funds to purchase these items from other sources, or the items were gifts from Robert's father.

We concur in the district court's conclusion that this issue was already decided by the bankruptcy court, and cannot now be subject to collateral attack. It is well established that a decree or judgment generally cannot be attacked collaterally. *Johnson v. Mitchell,* 489 N.W.2d 411, 414 (Iowa App. 1992). The only exception to this principle is when a judgment is void for lack of jurisdiction. *Morris Plan Co. v. Bruner,* 458 N.W.2d 853, 855 (Iowa App. 1990). Here, the bankruptcy court had jurisdiction both over the person and the subject matter.

The Rausches also claim they were not in default. They state that under a Presidential Declaration of Disaster, they had an automatic one-year extension in which to make payments. They district court found the Rausches lost the benefit of the declaration when they abandoned the Chapter 11 bankruptcy plan and filed a Chapter 7 bankruptcy case.

Our review of the portion of this exhibit which is included in the record shows the parties agreed payments would be extended under the Chapter 11 bankruptcy plan if the president designated Winneshiek County a disaster relief area. We agree with the district court that this agreement did not apply once the Rausches changed to a Chapter 7 bankruptcy proceeding.

We affirm the decision of the district court on all issues raised in this appeal. Costs of the appeal are assessed to the Rausches.

AFFIRMED.