

IN THE COURT OF APPEALS OF IOWA

FILED

FEB 24 1982

CLERK SUPREME COURT

STATE SAVINGS BANK OF BAXTER,  
IOWA,

Plaintiff-Appellant,

vs.

MID-IOWA SAVINGS AND LOAN and  
EXECUTIVE COUNCIL OF THE STATE OF  
IOWA, ROBERT D. RAY, Governor,  
MELVIN D. SYNHORST, Secretary of State,  
RICHARD D. JOHNSON, Auditor of State,  
ROBERT H. LOUNSBERRY, Secretary of  
Agriculture, and MAURICE E. BARRINGER,  
Treasurer of State,

Defendant-Appellees.

Filed February 24, 1982

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2-28  
2-66830

Appeal from Jasper District Court - Richard Strickler, Judge.

Plaintiff-appellant appeals from district court order dismissing its petition  
for declaratory judgment. AFFIRMED.

Eugene Knopf of Diehl, Clayton, Cleverley & Knopf, Newton, Iowa, for  
plaintiff-appellant.

Dennis Chalupa of Brierly, McCall, Girdner & Chalupa, Newton, Iowa, for  
defendant-appellee, Mid-Iowa Savings & Loan Association.

Brent Appel, Assistant Attorney General, for defendants-appellees.

Heard by Oxberger, C.J., and Donielson, Snell, Carter and Johnson, JJ.

## PER CURIAM

Plaintiff-appellant appeals from district court order dismissing its petition for declaratory judgment. The action brought in the district court seeks a declaratory judgment that certain actions of the Executive Council of the State of Iowa were invalid in whole or in part. Our examination of the record indicates that the actions of the Executive Council which plaintiff attacks were purportedly undertaken pursuant to its power to approve or disapprove certain actions of savings and loan associations pursuant to section 534.3(3), The Code. In this regard, section 534.3(3)(b) expressly provides "judicial review of the actions of the executive council may be brought in accordance with the terms of the Iowa Administrative Procedure Act. Notwithstanding the terms of such Act, petitions for judicial review must be filed within thirty days after the mailing of such notice."

In dismissing plaintiff's declaratory judgment petition, the district court's order of April 15, 1981, finds and concludes that the action is barred by the thirty-day statute of limitation contained in section 534.3(3)(b) and that, in any event, the proper and exclusive means of review was by means of a petition for review of agency action under ch. 17A, The Code, rather than by bringing a declaratory judgment action. While we have no reason to dispute district court's determination on the statute of limitations, we do not reach that issue because we agree that the exclusive means of reviewing the action of the Executive Council in the present case is by a petition for judicial review under section 17A.19. Compare Salisbury v. Iowa Department of Environmental Quality, 276 N.W.2d 830, 835 (Iowa 1979) ("there is no basis on which to conclude that the 'exclusive means' language in section 17A.19 is mitigated by an exception for common law writs such as certiorari, declaratory judgment, or injunction.") Accordingly, the district court properly concluded it was without jurisdiction to consider the issue in a declaratory judgment action. The order of the district court is affirmed.

AFFIRMED.