FILED
JAN 27 1988
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IOWA-ILLINOIS GAS & ELECTRIC CO.,)

Plaintiff-Appellee,) Filed January 27, 1988

vs) 105

HANCOCK, INC., and GLEN O. HANCOCK, Individually,) 7-467 86-1471

Defendants-Appellants.

Appeal from the Iowa District Court for Scott County (71377), James R Havercamp, Judge.

Defendant appeals the judgment of the district court ordering him to pay the plaintiff and further ordering him to permit access to its equipment at two locations. **AFFIRMED.**

Glen O. Hancock, Davenport, pro se.

Rand S. Wonio, Lane & Waterman, Davenport, for plaintiff-appellee.

Considered by Oxberger, C.J., and Hayden and Sackett, JJ.

PER CURIAM

Defendant, Glen O. Hancock, appeals the judgment of the district court ordering him to pay the plaintiff, Iowa-Illinois Gas & Electric Company (Iowa-Illinois), $1,352.90, and further ordering him to permit Iowa-Illinois access to its equipment at two locations. The order for access to the equipment at 1227 Iowa Street, Davenport, Iowa, was for the purpose of disconnecting utility service; access to the equipment at 210 East 4th Street (Vale Apartments), also in Davenport, was for the purpose of reading the electric meters located there.

In his pro se appeal, Hancock raises numerous issues, foremost among which is his assertion he was denied due process of law. We affirm.

On January 20, 1986, Iowa-Illinois filed a petition at law and equity in three divisions. Division I was an action on account against Hancock, Inc. On June 9, 1986, judgment on the pleadings was entered in favor of Iowa-Illinois on this division and this judgment has not been appealed. Division II was an action in two counts against Hancock, individually. Count I was an action on account against Hancock and count II was for injunctive relief requesting access to the equipment at 1227 Iowa Street. Division III was for injunctive relief requesting access to the equipment at the Vale Apartments. On September 4, 1986, a trial was held on divisions II and III. Hancock, however, failed to appear. Iowa-Illinois nevertheless proceeded to present its case and on September 5th judgment was entered on divisions II and III in its favor. It is this judgment Hancock now appeals.

It is a basic rule of appellate practice that questions not presented to and not passed on by the trial court cannot be raised or reviewed on appeal. Shill v. Careage Corp., 353 N.W.2d 416, 420 (Iowa 1984). Virtually all of the issues raised on appeal by Hancock were not presented to the trial court, since

Hancock defaulted by his failure to appear. We do address, however, Hancock's claim of denial of due process, as lack of notice would explain his failure to appear.

The basic elements of due process are notice and an opportunity to defend. In re Interest of K.L.C., 372 N.W.2d 223, 226 (Iowa 1985). The record reflects Hancock received notice of the action against him and filed an answer to the petition. He also received notice of the pretrial conference setting the trial date and notice of the trial date itself. Hancock nonetheless failed to appear. He has provided no explanation to the trial court for this failure, and does not offer one on appeal. We conclude Hancock received due process of law.

We now briefly address the motion of Iowa-Illinois to strike certain portions of the appendix submitted by Hancock as being outside the record. Pages one through twenty of the appendix are so stricken. These pages contain newspaper articles, photos, letters, articles of incorporation, sales data, and a ruling of the district court in an earlier, unrelated case involving Hancock. None of these items were made a part of the record at trial.

AFFIRMED.