FILED
MAY 20 1977
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

FARMERS COOPERATIVE ASSOCIATION,

Appellant,

v.

L. M. FIELDER,

Appellee.

Filed May 20, 1977

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2-58517

Appeal from Carroll District Court - R. K. Richardson, Judge.

Appellant appeals granting of summary judgment in favor of appellee. Affirmed.

Russell S. Wunschel, of Carroll, for appellant.

Raymond O. Snook, of Glidden, for appellee.

Submitted to Allbee, C.J., and Donielson, Snell, Oxberger and Carter, JJ.

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PER CURIAM

Plaintiff appeals trial court's grant of summary judgment in favor of defendant. The sole issue on appeal is whether a farmer is a merchant within the meaning of section 554.2201, The Code. During pendency of this appeal, our Supreme Court decided Sand Seed Service, Inc. v. Poeckes, 249 N.W.2d 663 (Iowa 1977) which resolves the issue adversely to plaintiff. There is no factual basis in this record from which defendant can be said to be a merchant within the meaning of § 554.2201. *See* Sand Seed Service, Inc. v. Poeckes, supra. Trial court's judgment hereby is affirmed.