

IN THE COURT OF APPEALS OF IOWA

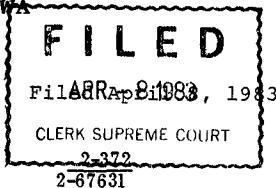
WILLIAM J. CURRAN and JUNE PACCHINI,

Plaintiffs-Appellants,

vs.

WILLIAM T. ROSE and MARILYN C. ROSE,

Defendants-Appellees.



Appeal from Dubuque District Court, Roger F. Peterson, Judge.

Plaintiffs appeal from trial court's ruling in one of a number of cases they brought against the defendants. AFFIRMED.

H. F. Reynolds and Donald R. Breitbach of Reynolds, Kenline, Breitbach, McCarthy, Clemens, McKay & Nigg, Dubuque, for plaintiffs-appellants.

Stephen J. Juergens of Fuerste, Carew, Coyle, Juergens & Sudmeier, P.C., Dubuque, for defendants-appellees.

Considered en banc.

OXBERGER, C.J.

Plaintiffs Curran and Pacchini appeal from the trial court's ruling in one of a number of cases they brought against the defendants, William and Marilyn Rose. The appeal concerns one of a number of cases that were consolidated and concerns an oral contract which the plaintiffs claim to have entered into with the defendants in connection with the purchase of a motel. In our de novo review of this equity proceeding, we review the entire record to reach our own findings and conclusions, and are not bound by the findings and conclusions of the trial court. Iowa R. App. P. 4.

On de novo review, we find that the burden was upon the plaintiffs to prove by a preponderance of the evidence that an oral agreement had been entered into in connection with the purchase of the motel. Upon careful and diligent scrutiny of the plaintiffs' brief, we are unable to find any reference to any place in the voluminous appendix which clearly points to the existence of such an agreement. We therefore concur with the trial court's judgment that plaintiffs have failed to meet their burden on this crucial issue.

AFFIRMED.