FILED
MAR 24 1994
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 3-574 / 93-1000

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IN THE INTEREST OF R.C., D.C., L.W. and **B.A.W.**, Minor Children,

L.L., Mother,

Appellant.

Appeal from the Iowa District Court for Woodbury County, Mary McCollum-Timko, Associate Juvenile Court Judge.

Mother appeals the termination of her parental rights on the grounds that she did not receive notice of the termination proceedings. **AFFIRMED BY OPERATION OF LAW.**

Martha M. McMinn, Sioux City, for appellant.

Bonnie J. Campbell, Attorney General; John M. Parmeter, Special Assistant Attorney General; Judy Sheirbon, Assistant Attorney General; and Rhoda Tenuta, Assistant County Attorney, for appellee.

Frank Cosgrove, Sioux City, guardian ad litem for minor children.

Heard by Hayden, P.J., Sackett, J., and Keefe, S.J.*, but decided by Donielson, C.J., Hayden, Sackett, and Habhab, JJ. Cady and Huitink, JJ., take no part.

*Senior judge from the 1st judicial district serving on this court by order of the Iowa Supreme Court.

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PER CURIAM

The court being equally divided, the judgment is affirmed by operation of law. Iowa Code § 602.5106(1) (1993).

AFFIRMED.

For affirmance: Donielson, C.J., and Hayden J.

For reversal: Sackett and Habhab, JJ.

Sackett, J., writes separately.

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SACKETT, J. (writing separately)

I would find that the mother was not notified of the termination hearing and reverse and remand with directions.