FILED
MAY 28 1985
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN THE MATTER OF THE ESTATE OF DARLENE BALES, Deceased;

ROY BALES,

Appellant.

Filed May 28, 1985

5-114
83-1023

Appeal from the Iowa District Court for Harrison County - Leo F. Connolly, Judge.

Roy Bales appeals from the district court's ruling that (1) he was not entitled to share in the estate of decedent Darlene Bales, his wife, under Iowa Code section 633.535, because he had been convicted of murdering her; and (2) only two items of his property had been wrongly treated as property of decedent's estate. AFFIRMED.

Roy Bales, pro se, appellant.

Gary J. Altwegg of Altwegg & Anderson, Logan, for appellees (executors of decedent's estate).

Considered by Snell, P.J., and Schlegel and Sackett, JJ.

PER CURIAM

Roy Bales was convicted of the first-degree murder of his wife, decedent Darlene Bales; he was sentenced to life imprisonment. An estate was opened for decedent. The executors of the estate, two of decedent's four daughters from a previous marriage, applied for a declaratory judgment that under Iowa Code section 633.535, Roy Bales was not entitled to share in decedent's estate. Roy Bales asserted in several papers filed in the district court and at the hearing on the application for declaratory judgment that some of the items being treated as estate property actually belonged to him, and he asked that these items be returned to him. The district court ruled (1) that under Iowa Code section 633.535, Roy Bales was not entitled to share in decedent's estate, and (2) that only two of the items listed as estate property actually belonged to Roy Bales and should be returned to him. Roy has appealed.

Appellant does not assert any claim to property which belonged to his wife; however, he claims that there was other property in her possession at the time of her death which actually belonged to him and that this property was wrongfully disposed of. The trial court found that the money from the sale of a 1967 camper should be returned to the appellant and that the only other property in the hands of the executors belonging to the appellant was an old gun. The appellant argues that there was a German Shepard dog which also belonged to him. A review of the record indicates that this dog was licensed to Roy Bales and we find that he is the owner.

On the basis of the record before this court, we affirm the trial court's findings. Costs are to be assessed to appellant.

AFFIRMED.