FILED
JUN 28 1979
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA 196

IN THE MATTER OF THE ESTATE OF HELEN M. WEIGAND, Deceased.

MARY E. JOHNSON,)

Claimant-Appellant,) Filed June 28, 1979

vs.)

KAREN MUTH,) 170
2-62632

Executor-Appellee.)

Appeal from Hancock District Court - L. E. Plummer, Judge.

Claimant in decedent's estate proceeding, appeals denial of her claim for services. Appeal dismissed.

Philip Garland of Mason City, Iowa for claimant-appellant.

Erwin L. Buck of Buck & Hill, Britt, Iowa, for executor-appellee.

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

PER CURIAM

The appellant, an unsuccessful claimant for services in the probate of a decedent's estate, appeals from the denial of her claim. She concedes that the amount in controversy is $2500.

We hold the amount specified in R. App. P. 3, as a condition for appellate review, is jurisdictional. See Albion Elev. Co. v. Chicago & N.W. Transp. Co., 254 N.W.2d 6, 11 (Iowa 1977). If an appellate court does not have jurisdiction over the subject matter of an appeal, the appeal must be dismissed even though the appellee has not moved for its dismissal. Qualley v. Chrysler Credit Corp., 261 N.W.2d 466, 468 (Iowa 1978). The appeal is therefore dismissed.