

IN THE COURT OF APPEALS OF IOWA

No. 7-132 / 96-315

000263

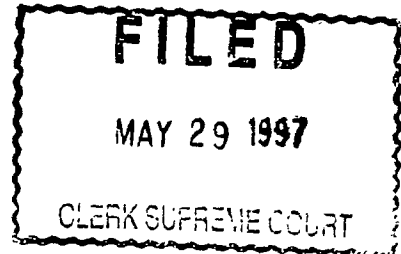
OSSIAN AGRI CENTER, INC.,

Appellee,

vs.

**KARL ZWEIBAHMER, JOHN ZWEIBAHMER, and
JERRY ZWEIBAHMER,**

Appellants.



Appeal from the Iowa District Court for Winneshiek County, John Bauercamper, Judge.

Appellants challenge the district court's finding that Karl Zweibahmer owned five pieces of property which were the subject of a writ of execution and sheriff's levy. **AFFIRMED.**

Karl Zweibahmer, Fort Atkinson, John Zweibahmer, Calmar, and Jerry Zweibahmer, Ridgeway, pro se.

Matthew J. Erickson, Postville, for appellee.

Considered by Habhab, C.J., Streit, J., and Hayden, S.J.*

*Senior judge from the Iowa Court of Appeals serving on this court by order of the Iowa Supreme Court.

PER CURIAM

Appellants appeal the trial court's determination of ownership of farm equipment taken under a sheriff's levy. We hold no issues were preserved for review, so we affirm.

In the early 1980s, appellee Ossian Agri Center, Inc. (Ossian) did business with appellant Karl Zweibahmer. Ossian filed suit against Karl to recover money owed and obtained a judgment. To collect on the judgment, Ossian filed a writ of general execution on six items of farm equipment. The sheriff took possession of five of the six items.

Ossian discovered financing statements purported to create security interests in Karl's sons. Believing Karl had attempted to avoid creditors with this scheme, Ossian filed a petition seeking to have the district court determine ownership of the items. The court, following trial, ruled Karl and his sons had participated in a scheme to defraud Ossian and Karl was the owner of five of the items.

Appellants three-page brief states as the issue raised: "There is more than enough evidence in the record that proves that John Zweibahmer and Jerry Zweibahmer are the sole owners of the said equipment." Although this could be construed to state a sufficiency of evidence issue on the district court's finding to the contrary, no authority on this issue was stated, argued, or cited in appellants' brief. Appellants have not preserved any issue for appeal.

Appellants' argument spans barely over a page, and contains statements of purported fact that (1) Karl's sons never did business with Ossian, (2) Karl's sons have never had a judgment against them, and (3) the trust never did business with Ossian. No reference is made to the record of any facts bearing on the ownership issue or the issue of fraud. Appellants do not set out the standard of review or any legal authority whatsoever.

Our rules of appellate procedure provide, in part, "Failure in the brief to state, to argue or to cite authority in support of an issue may be deemed waiver of that issue." Iowa R. App. P. 14(a)(3); *see also Kellar v. Peoples Nat'l Gas Co.*, 352 N.W.2d 688, 693 (Iowa App. 1984) (declining to address "argument" consisting of nothing more than a bald assertion without any elaboration). Appellants' brief falls squarely within this description, and they have failed to preserve any issue for our review.

AFFIRMED.