

IN THE COURT OF APPEALS OF IOWA

FILED

JAN 26 1989

CLERK SUPREME COURT

CILBERT H. HARRISON,)

Plaintiff-Appellant,)

vs.)

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LeROY RUPIPER,)

Defendant-Appellee.)

8-615

88-95

Appeal from the Iowa District Court for Carroll County
(No. Law 28514), James C. Smith and Ronald H. Schechtman,
Judges.

Plaintiff appeals an adverse judgment on a suit on a
contract for sale of corn. **AFFIRMED.**

Paul A. Mahr, Sioux City, for plaintiff-appellant.

John C. Werden, Sr. and James Van Dyke, Carroll, for
the defendant-appellee.

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

SACKETT, J.

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Plaintiff-appellant Cilbert H. Harrison appeals a trial court judgment on his suit against defendant-appellee LeRoy Rupiper to recover on a contract for the sale of corn.

Defendant, who is in the business of salvaging damaged grain, contracted to buy thirty thousand bushels of damaged corn as is from plaintiff. Defendant ultimately took fewer bushels and paid less than the contract price. Plaintiff's action sought to recover the full contract price for the thirty thousand bushels. The trial court determined the plaintiff prevented defendant from obtaining the amount of damaged corn he contracted to purchase and some of the corn he did in fact take was not damaged corn. Rather it was spoiled to the extent it lost all its inherent qualities. The court determined the amount defendant paid for the corn was fair.

This is a law matter. We find substantial evidence in the record to support these factfindings made by the trial court. They therefore are binding on us. Iowa R. App. P. 14(f)(1).

We have considered the issues raised by the appellant and affirm the trial court.

AFFIRMED.