

IN THE COURT OF APPEALS OF IOWA

No. 0-217 / 89-889

FILED

JUL 26 1990

CLERK SUPREME COURT

AMERICANA SEEDS, INC.,

Appellee,

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vs.

KARL ZWEIBAHMER,

Appellant,

THE FIRST NATIONAL BANK OF WEST UNION, WEST UNION, IOWA,

Intervenor.

Appeal from the Iowa District Court for Winneshiek
County, L. D. Lybbert, Judge.

Debtor appeals from action in which one creditor
attempted to quash garnishment attempt by another
creditor. **AFFIRMED.**

Michael W. Fay, Cedar Rapids, for appellant.

Robert J. Cowie, Jr., and Linn C. Emrich of Miller,
Pearson, Gloe, Burns, Beatty & Cowie, P.C., Decorah, for
appellee.

Considered by Donielson, P.J., and Schlegel and Hayden,
JJ.

PER CURIAM

In 1971, the Zweibahmers obtained a farm loan from the First National Bank that was secured, in part, by the proceeds from the sale of farm products. The loans were renewed in April 1988 and the Zweibahmers agreed to make monthly payments to the Bank of \$1065.54. At this time, the Bank agreed the Zweibahmers could sell their milk to a local dairy if they would assign a portion of the milk check proceeds to the Bank equal to the \$1065.54 monthly payment.

In July 1984, Americana Seeds obtained a default judgment against Karl Zweibahmer for over \$13,000. On January 17, 1989, a garnishment was executed by Americana Seeds upon milk checks payable to Karl. The Bank filed a petition of intervention, claiming entitlement to the entirety of the milk check proceeds due to its security interest. The district court granted the Bank's petition in part, determining that it was entitled to only the first \$1065.54 of milk check proceeds each month. The Bank has not filed an appeal, but Zweibahmer has. Americana Seeds argues this appeal should be dismissed since Karl did not participate or preserve error at the district court level and failed to cite authority in his appellate brief.

A review of the record in this case reveals Karl Zweibahmer did not file a motion to quash the garnishment of Americana Seeds, Inc., nor did he join First National Bank's application to quash the garnishment. Zweibahmer

did not contest the garnishment in any fashion before the trial court.

As Zweibahmer did not challenge the garnishment below, he may not now claim to have preserved any issue for appeal or to even have standing to appeal this matter. Even if Zweibahmer had challenged the garnishment and had preserved the issue for appeal, we would have to regard this claim as waived due to his failure to argue or cite any authority on appeal. Iowa R. App. P. 14(a)(3). Zweibahmer's offhand reference to the "cases" cited below by the Intervenor Bank does not fulfill his duty to specifically cite authority in support of his arguments.

AFFIRMED.