FILED
NOV 2 7 1989
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 9-262 / 88-417

IN RE THE MARRIAGE OF JEANETTE A. MOLESKI
AND ROBERT S. HEDGES

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Upon the Petition of
JEANETTE A. MOLESKI,

Appellee,

And Concerning
ROBERT S. HEDGES,

Appellant.

Appeal from the Iowa District Court for Polk County, Ray Hanrahan, Judge.

Respondent-appellant appeals from the district court's denial of his motion to vacate or modify the parties' 1986 dissolution decree and the district court's ruling on his petition to modify the dissolution decree. **AFFIRMED BY OPERATION OF LAW.**

Leslie Babich of Babich, Bennett, Nickerson & Newlin, Des Moines, for respondent-appellant/cross-appellee.

Eric Borseth, Des Moines, for petitioner-appellee/ cross-appellant.

Considered en banc.

PER CURIAM

The court being equally divided, the judgment is affirmed by operation of law. Iowa Code § 602.5106(1) (1987).

AFFIRMED.

For affirmance: Oxberger, C.J., and Hayden, and Habhab, JJ.

For reversal: Donielson, Schlegel, and Sackett, JJ.