THE COURT OF APPEALS OF IOWA

No. 9-538 / 89-196

FILED
FEB 2 2 1990
CLERK SUPREME COURT

H. EUGENE ANDERSON,

Appellee,

v.

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ASPELMEIER, FISCH, POWER, WARNER & ENGBERG,

Appellant,

and

KENNETH A. ASPELMEIER, JAMES F. FISCH, WILLIAM SCOTT POWER, ROBERT A. ENGBERG and CRAIG D. WARNER,

Intervenors-Appellants.

Appeal from the Iowa District Court for Des Moines County, Dan F. Morrison, Judge.

The defendant law firm, and individual members of the law firm as intervenors, appeal a ruling of the trial court awarding the plaintiff, a former member of the firm, $88,186.71 for the value of his interest in the partnership. **AFFIRMED BY OPERATION OF LAW.**

Patrick M. Roby and Diane Kutzko of Shuttleworth & Ingersoll, P.C., Cedar Rapids, for appellants.

Robert Allbee and Steven K. Gaer of Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee, Des Moines, for appellee.

Heard by Schlegel, P.J., and Hayden and Habhab, JJ., but 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 Schlegel and Hayden, JJ.

For reversal: Donielson, Sackett and Habhab, JJ.