FILED
AUG 31 1978
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

ANNELIE EGGERT,

Appellant,

v.

THE CITY OF CARTER LAKE: JERRY WALTRIP, Mayor of Carter Lake; CITY COUNCIL OF CARTER LAKE composed of Jeannine Poldberg, John Leslie, George Dahlheimer, Richard Morgan, and Wanda Rosenbaugh; Emery Weinfurtner, Contractor,

Appellees.

Filed August 31, 1978

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2-60669

Appeal from Pottawattamie District Court - E. F. Hanson, Judge.

Plaintiff appeals from nominal damage award based upon violation of city ordinance and deprivation of due process in destruction of her property. Defendants cross-appeal. Affirmed.

James A. Pratt, of Heithoff & Pratt, Council Bluffs, for appellant.

John P. Churchman, Council Bluffs, for appellee.

Heard by Donielson, Acting C.J., and Snell, Oxberger and Carter, JJ.

PER CURIAM

This action arose out of the destruction of the home of plaintiff, Annelie Eggert, pursuant to the order of defendant Jerry Waltrip while acting as mayor of defendant City of Carter Lake. The house was ordered destroyed because it posed a hazard after having been severely damaged by fire. Plaintiff asserted that the destruction was ordered without regard to the governing city ordinances or her due process rights, and claimed damages for the remains of her house and assorted personalty. Trial court, in pretrial and postrial decisions, dismissed all defendants other than Waltrip and the city. After trial on the merits, it determined that the city had denied plaintiff her due process but held that her proof as to damages was incredible and "so vague, incomplete and unsatisfactory" that no damages could be awarded except $22 as the salvage value of her 1963 Pontiac. From that judgment, all three remaining parties appeal.

We first consider plaintiff's appeal, in which she contests trial court's meager award of damages. Trial court's findings of fact are the equivalent of a jury verdict. "If supported by substantial evidence and justified as a matter of law, they are binding on us and the judgment will not be disturbed on appeal." Herman Ford-Mercury, Inc. v. Betts, 251 N.W.2d 492, 493-94 (Iowa 1977). Review of the record is done in a light most favorable to the judgment. Sandhorst v. Mauk's Transfer, Inc., 252 N.W.2d 393, 395 (Iowa 1977). Employing this standard, we find adequate support for trial court's conclusions and affirm.

Defendants, on their cross appeal, assert that Waltrip acted within his powers as mayor and that plaintiff was not denied due process. Because no authority is cited for either proposition, we do not consider them. Miller v. International Harvester Co., 246 N.W.2d 298, 304 (Iowa 1976).

AFFIRMED.