FILED
FEB 23 1993
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 2-652 / 91-1684

EVELYN LEONA WINDER, BETTY NADINE KNOX, and **KATHLEEN MABEL MARKS,**

Plaintiffs,

vs.

KENNETH G. BUEHLER, KAY M. BUEHLER, and **BLACK HAWK COUNTY, IOWA,**

Defendants.

KENNETH G. BUEHLER, KAY M. BUEHLER, and **BLACK HAWK COUNTY, IOWA,**

Cross-Petitioners-Appellees,

vs.

EVERETTE ACKERMAN, et al.,

Defendants to Cross-Petition,

and

PHYLISS A. MORGAN, ORRIN E. MILLER, WILLIAM LEMKE, and **ROBERT MANAHL,**

Defendants to Cross-Petition-Appellants.

Appeal from the Iowa District Court for Black Hawk County, George L. Stigler, Judge.

We consider this to be an interlocutory appeal without permission. **APPEAL DISMISSED.**

W. H. Gilliam, Waterloo, for appellants William Lemke and Orrin Miller.

John W. Ackerman of Ackerman Law Office, Waterloo, for appellant Phyllis A. Morgan.

Donna P. LeSyshen and W. David Tyler of Tyler & Lesyshen, Waterloo, for appellees Kenneth G. and Kay M. Buehler.

Bruce B. Zager of Zager Law Office, Waterloo, for appellee Black Hawk County.

Heard by Oxberger, C.J., and Sackett and Habhab, JJ.

HABHAB, J.

The thrust of this appeal focuses on the July 31, 1991, ruling of the trial court. We consider this ruling to be an interlocutory decision for, from our review of the appendix and attending briefs, it is not a final judgment.

We note that permission was neither sought nor granted to bring this appeal. Accordingly, it is dismissed without prejudice to any of the parties. Costs are taxed to the appellants.

As an aside, during oral arguments, appellees' counsel stated she had no objections to the setting aside of the supplemental decree of July 31, 1991. If such is the case, we seriously recommend to counsel that this be attended to.

APPEAL DISMISSED WITHOUT PREJUDICE.