

IN THE COURT OF APPEALS OF IOWA

No. 6-697 / 05-2142
Filed October 11, 2006

**IN THE MATTER OF THE AMENDED AND RESTATED
VINCENT J. KEATING FAMILY TRUST AGREEMENT**

RICHARD KEATING,
Appellant.

Appeal from the Iowa District Court for Crawford County, Michael S. Walsh, Judge.

Richard Keating appeals from a district court order dismissing his application to enforce a provision of a trust. **AFFIRMED.**

Kara Minnihan, Onawa, for appellant.

Robert Laubenthal, Council Bluffs, and Thomas Mohrhauser, Mapleton, for appellee.

Dennis Keating, Ogallala, Nebraska, pro se.

Considered by Vogel, P.J., and Miller and Eisenhauer, JJ.

MILLER, J.

This action seeking enforcement of a provision of an inter vivos, revocable trust was filed and tried in equity, and the district court's ruling addresses the merits rather than a simultaneously-submitted motion to dismiss. Upon our de novo review, see Iowa R. App. P. 6.4, we fully agree with the district court's findings of fact, conclusions of law, and resulting judgment. We therefore affirm. See Iowa R. App. P. 6.24(1), (4).

AFFIRMED.