

IN THE COURT OF APPEALS OF IOWA

No. 6-956 / 06-0322
Filed January 18, 2007

**HARRY HAGER and
MARY JANE HAGER,**
Plaintiffs-Appellants,

vs.

**OAK-MILLS, L.C., EDWARD BUCHANAN
and MICK KUHNS,**
Defendants-Appellees.

Appeal from the Iowa District Court for Polk County, Douglas F. Staskal,
Judge.

Plaintiffs appeal the district court's decision in this action involving a
boundary dispute. **AFFIRMED.**

David Morse of Rosenberg, Stowers & Morse, Des Moines, for appellant.

Scott Long and Laura Martino of Brown, Winick, Graves, Gross,
Baskerville and Schoenebaum, P.L.C., Des Moines, for appellee.

Considered by Sackett, C.J., and Zimmer and Eisenhauer, JJ.

ZIMMER, J.

Following a bench trial, Harry and Mary Hager appeal from the district court's conclusion that they did not establish a fence as a boundary line by acquiescence. The district court must be affirmed if substantial evidence supports its finding. *Olinger v. Bennett*, 562 N.W.2d 167, 170 (Iowa 1997).

A boundary line may be established by showing adjoining landowners or their predecessors in title have acquiesced in a boundary line for more than ten years. Iowa Code § 650.6 (2003). As plaintiffs, it was the Hagers' burden to prove each of the adjoining landowners had knowledge of the asserted boundary line and consented to it. *Tewes v. Pine Lane Farms, Inc.*, 522 N.W.2d 801, 806 (Iowa 1994). A party seeking to establish a boundary line other than a survey line must prove it by clear evidence. *Id.*

After considering conflicting evidence, the district court concluded the fence at issue did not establish a clear line and the Hagers failed to present clear evidence of acquiescence. Upon careful review of the record, we conclude substantial evidence supports the district court's findings and conclusions. Therefore, we affirm without opinion pursuant to Iowa Rules of Appellate Procedure 6.24(1) and (4).

AFFIRMED.