

**IN THE COURT OF APPEALS OF IOWA**

No. 8-886 / 08-0584  
Filed December 31, 2008

**KENNETH E. TACKMAN and  
BRENDA L. LUTZ-TACKMAN,**  
Plaintiffs-Appellants,

**vs.**

**MICHAEL J. SCHUSTER and  
TONI K. SCHUSTER,**  
Defendants-Appellees.

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Appeal from the Iowa District Court for Clayton County, Kellyann M. Lekar,  
Judge.

The plaintiffs appeal from the district court's order granting summary  
judgment in favor of the defendants. **AFFIRMED.**

Peter Riley of Tom Riley Law Firm, P.L.C., Cedar Rapids, for appellants.

James Garrett of Jacobson, Bristol, Garrett & Swartz, Waukon, for  
appellees.

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

**VOGEL, P.J.**

The plaintiffs appeal from the district court's order granting summary judgment to the defendants in a suit regarding a written easement agreement between the parties.<sup>1</sup> The plaintiffs, as grantees, filed a petition for a declaratory judgment, which was an attempt by them to restrict the defendants-grantors' use of their own land. As the district court found,

the Grantor and his successors may use their property in any manner and for any purpose consistent with the enjoyment of the easement, and the owner of the dominant estate cannot interfere with this use unless the Grantor expressly agrees to the contrary.

See 28A C.J.S. *Easements* § 222, at 437-38 (2008). We agree with the district court's fact-finding, reasoning, and application of the law; thus, we affirm pursuant to Iowa Court Rule 21.29(1)(a), (c), (d), and (e).

**AFFIRMED.**

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<sup>1</sup> Edwin R. Walter and Arta S. Walter entered into the easement agreement with Kenneth E. Tackman and Brenda L. Lutz-Tackman. Michael J. Schuster and Toni K. Schuster are the successors in interest to the Walters.