

**Filed 2/24/00 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2000 ND 34

Marvin Schlafman, Plaintiff and Appellant

v.

Dale L. Schell, Defendant and Appellee

No. 990312

Appeal from the District Court of Kidder County, South Central Judicial District, the Honorable Donald L. Jorgensen, Judge.

AFFIRMED.

Per Curiam.

Maury C. Thompson, Christensen & Thompson, 1720 Burnt Boat Drive, P.O. Box 1771, Bismarck, ND 58502, for plaintiff and appellant.

Benjamin C. Pulkrabek, 402 1st Street NW, P.O. Box 155, Mandan, ND 58554, for defendant and appellee.

Schlafman v. Schell

No. 990312

Per Curiam.

[¶1] Marvin Schlafman appealed from a District Court Judgment, finding Schlafman owing a balance of \$23,455.10 on the purchase price of a piece of property. Schlafman alleges the district court's finding of \$1,740 as the yearly rental value of the property as an offset to the amount owing on the purchase price was clearly erroneous. We affirm under N.D.R.App.P. 35.1(a)(2).

[¶2] Gerald W. Vandewalle, C.J.
Dale V. Sandstrom
William A. Neumann
Mary Muehlen Maring
Michael O. McGuire, D.J.

[¶3] Michael O. McGuire, D.J., sitting in place of Kapsner, J., disqualified.