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FILED

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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

JAMES R. SCHROEDER, As Administrator)
of the ESTATE OF JOHN SCOTT SCHROEDER,)

Filed October 7, 1977

Appellant,)

v.)

WILLIAM THOMAS SHARP,)

278
2-24008

Appellee.)

* * * * *)

JAMES R. SCHROEDER, FATHER OF)
JOHN SCOTT SCHROEDER, Deceased Minor,)

278
2-24009

Appellant,)

v.)

WILLIAM THOMAS SHARP,)

Appellee.)

Appeal from Crawford District Court - Lawrence McCormick, Judge.

Plaintiff appeals, contending that jury instruction did not adequately disclose the qualified nature of directional right of way. Affirmed.

Thomas R. Eller, of Nash, Eller, Brink & Claussen, of Denison, for appellant.

James R. Van Dyke and Russell S. Wunschel, of Wunschel Law Firm, P.C., of Carroll, for appellee.

Submitted to Allbee, C.J., and Donielson, Snell, Oxberger and Carter, JJ.

PER CURIAM

In this appeal the sole issue is whether trial court gave the proper instruction on directional right of way. Plaintiff timely objected to Instruction 14, asserting it was defective and that it should inform the jury that directional right of way "is a relative right that must be balanced with the duty of the driver to keep his car under control and to exercise the proper lookout, keep the proper lookout." Trial court, however, recognized the issue, and dealt with it in a satisfactory manner.

By instructions 11, 12 and 13 trial court qualified the directional right of way instruction. The related duty to keep a proper lookout was contained in Instruction 11. The additional duties of control, and to reduce the speed of a motor vehicle to a reasonable and proper rate when approaching and traversing an intersection, as mandated by section 321.288, The Code, were set forth in Instructions 12 and 13. Through these, trial court conveyed to the jury the qualified nature of the directional right of way. Furthermore, we are satisfied Instruction 14 comports with section 321.319, The Code, and decisions of the supreme court. *Jacobson v. Aldrich*, 246 Iowa 160, 68 N.W.2d 733 (1955); see Uniform Instruction 4.20.

It is not necessary for a trial court to couch instructions in terms urged by the parties; it may choose its own language. *Wong v. Waterloo Community School District*, 232 N.W.2d 865, 870 (Iowa 1975). Jury instructions must be read together and not separated into parts or treated piecemeal. *Miller v. International Harvester Co.*, 246 N.W.2d 298, 306 (Iowa 1976). In this case, an examination of the full set of instructions reveals that trial court covered the issues to be decided by the jury. See *Wong v. Waterloo Community School District*, *supra*.

Finding no error, we affirm the judgment entered on the jury verdict.