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**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A10-1714**

In re the Marriage of:  
Dennis Norman Jorgenson, petitioner,  
Appellant,

vs.

Michelle Ann Jorgenson,  
Respondent.

**Filed February 21, 2012  
Affirmed  
Toussaint, Judge\***

Ramsey County District Court  
File No. 62-FA-08-3526

Alan T. Tschida, Shoreview, Minnesota (for appellant)

Patricia A. O’Gorman, Cottage Grove, Minnesota (for respondent)

Considered and decided by Schellhas, Presiding Judge; Johnson, Chief Judge; and Toussaint, Judge.

**UNPUBLISHED OPINION**

**TOUSSAINT**, Judge

Appellant Dennis Jorgenson challenges the district court’s order denying his motion for post-trial relief following the dissolution of his marriage, arguing that the

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\* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

court (1) did not order respondent to sell him the homestead, or alternatively, did not reassess the value of the home to account for his offer to purchase the home; (2) did not consider the taxes due on appellant's supplemental retirement account; (3) did not credit respondent for survivor benefits to be paid following appellant's death; and (4) erroneously denied appellant spousal maintenance when it overstated his income, understated his expenses, overstated respondent's taxes, and failed to credit the parties with equal housing allowances. Because the district court's order is not clearly erroneous and appellant did not offer evidence or legal argument to support his other claims, we affirm.

## D E C I S I O N

The district court has broad discretion in marriage dissolution cases with respect to the division of property and allowance of spousal maintenance. *Rutten v. Rutten*, 347 N.W.2d 47, 50 (Minn. 1984). "There must be a clearly erroneous conclusion that is against logic and the facts on record" before an appellate court will find that the district court abused its discretion. *Id.* We will uphold the factual determinations of the district court unless they are clearly erroneous. *Id.* "A party who inadequately briefs an argument waives that argument." *Brodsky v. Brodsky*, 733 N.W.2d 471, 479 (Minn. App. 2007) (citing *Dep't of Labor & Indus. v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997)).

If parties to a dissolution cannot agree on a division of the marital property, the just and equitable division of a marital asset can be accomplished in one of three ways:

(1) If the asset is readily divisible, the court can divide the asset and order just and equitable distribution in kind; (2) the court can order the sale or liquidation of the asset and make a just and equitable division of the proceeds of sale or liquidation; or (3) the court can determine the value of the asset, order distribution of the entire asset to one of the parties, and order the recipient to pay to the other spouse a just and equitable share of the value of the asset.

*Nardini v. Nardini*, 414 N.W.2d 184, 188 (Minn. 1987).

### I.

Appellant now argues that the court abused its discretion by not adjusting the value of the house to reflect his offer, or in the alternative, by not ordering respondent to sell him the house. The district court awarded respondent the house in which she and appellant had formerly resided together. The house was professionally appraised to have a fair market value of \$268,000 and was subject to an \$83,700 mortgage. Appellant testified at the evidentiary hearing that he would be willing to purchase the house for \$340,000.

The district court used its discretion to divide marital property through the third method outlined in *Nardini*. *See Nardini*, 414 N.W.2d at 188. The court relied on a professional appraiser jointly hired by the parties to determine the house's value. The court awarded respondent the house, and ordered that she pay appellant a sum of money to equalize the allocation. *See id.* The matter was within the court's discretion, was justified by established law, and was supported by the record. *Id.*; *Rutten*, 347 N.W.2d at 50.

## II.

Appellant argues that the district court abused its discretion because it refused to award him spousal maintenance. Specifically, he contends that the district court erred by attributing to him a \$325 monthly disability benefit that will expire in the future.

Spousal maintenance is governed by Minn. Stat. § 518.552 (2010). A district court may grant maintenance if it finds that a spouse lacks sufficient property to provide for the spouse's reasonable needs, considering the standard of living during marriage, or if the spouse is unable to provide adequate self-support. *Id.*, subd. 1(a), (b). The district court must consider all relevant factors, including "the ability of the spouse from whom maintenance is sought to meet needs while meeting those of the spouse seeking maintenance." *Id.*, subd. 2(g).

The district court found that appellant has a monthly surplus of \$1,062 in income over his expenses. Respondent has a monthly deficit of \$61 after her expenses. The court concluded, that "[p]etitioner can provide adequate self-support without contribution from Respondent. Respondent does not have the ability to meet her own needs while contributing to the needs of Petitioner. Neither party is entitled to spousal maintenance."

Examination of appellant's disability benefit plan reveals that the benefit is not scheduled to cease until December 2013. Regardless of the end date, appellant received the monthly benefit when the district court issued its judgments in June 2010 and August 2010. Accordingly, the district court accurately found that appellant will receive a \$325 monthly disability payment "upon dissolution of the marriage."

Appellant makes four additional arguments in support of his claim that the district court abused its discretion by not awarding him spousal maintenance. He argues that the district court (1) did not consider the taxes on his retirement account; (2) failed to properly consider his insurance premiums; (3) miscalculated the parties' payroll and income tax expenses; and (4) established an unfair differential between the parties' housing expenses.

Appellant waived these additional sub-issues by not introducing the necessary evidence and by not asserting these arguments at trial. *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (reviewing court must generally consider only those issues that were presented and considered by the trial court); *see also Eisenschenk v. Eisenschenk*, 668 N.W.2d 235, 243 (Minn. App. 2003), *review denied* (Minn. Nov. 25, 2003).

### **III.**

Appellant argues that the district court abused its discretion by not attributing to respondent the future value of her survivor benefits after appellant's death. Appellant does not cite any authority for the proposition that future unknowable survivor benefits should be considered part of a spouse's property or income. Appellant waived the issue by failing to mount a colorable argument or cite any supporting authority. *See Braend ex. rel. Minor Children v. Braend*, 721 N.W.2d 924, 929 (Minn. App. 2006) (citing *Schoepke v. Alexander Smith & Sons Carpet Co.*, 290 Minn. 518, 519-20, 187 N.W.2d 133, 135 (1971)).

**Affirmed.**