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Minn. Stat. § 480A.08, subd. 3 (2008).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A08-1788**

In re the Matter of:
Gregg Allan Rappe, petitioner,
Appellant,

vs.

Marjory Gray Rappe, n/k/a Marjory Lynn Gray Templeton,
Respondent,

Dakota County, intervenor,
Respondent.

**Filed August 25, 2009
Affirmed
Collins, Judge***

Dakota County District Court
File No. 19-F1-98-012329

Carl A. Blondin, 2091 County Road D., Suite B-200, Maplewood, MN 55109 (for
appellant)

Frederick E. Finch, Bassford Remele, 33 South Sixth Street, Suite 3800, Minneapolis,
MN 55402 (for respondent)

Considered and decided by Worke, Presiding Judge; Minge, Judge; and Collins,
Judge.

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

UNPUBLISHED OPINION

COLLINS, Judge

Appellant contends that the district court abused its discretion by denying his motion to modify child support. We affirm.

FACTS

Appellant Gregg Rappe and respondent Marjory Templeton were married in 1984. When the marriage was dissolved in 1998 they had three minor children. Initially, Rappe was ordered to pay \$800 per month toward child support. In 2001, Rappe moved for a reduction of his child-support obligation but, based on a determination that his income had increased, the district court increased Rappe's monthly child-support obligation to \$1,281. After Rappe's subsequent 2001 motion for modification was denied based on the district court's finding that he had voluntarily reduced his income and brought the motion in bad faith, Rappe appealed to this court.

Templeton decided that she could not afford the expense of responding to Rappe's appeal. Instead, Templeton entered into a stipulation with Rappe leading to the district court's order of June 14, 2002. The stipulated order modified Rappe's monthly child-support obligation to \$800 until the youngest child "turns 18 years and graduates from high school . . . , marries, joins the armed forces, becomes emancipated or dies," and Rappe dismissed his appeal.

In 2008, when one minor child remained, Rappe again sought a reduction of the child-support obligation. After a hearing, the Child Support Magistrate (CSM) denied the motion, finding that Rappe had failed to disclose pertinent financial information and

determining that Rappe had not established a substantial change in circumstances rendering the existing order unreasonable and unfair. On August 13, 2008, the district court effectively affirmed the CSM's determination by denying Rappe's motion for review. This appeal followed.

D E C I S I O N

A court may modify a child-support obligation when the moving party demonstrates substantially changed circumstances that render the existing child-support obligation unreasonable and unfair. *Bormann v. Bormann*, 644 N.W.2d 478, 481 (Minn. App. 2002). The party seeking a modification of child support has the burden to establish a substantial change in circumstances. *Gorz v. Gorz*, 552 N.W.2d 566, 569 (Minn. App. 1996). A substantial change in circumstances is presumed if the application of the child-support guidelines to the parties' current circumstances results in a child-support obligation "that is at least 20 percent and at least \$75 per month higher or lower than the current support order." Minn. Stat. § 518A.39, subd. 2(b)(1) (2008). Whether to modify child support is within the district court's discretion, and its decision will be altered on appeal if it resolved the matter only in a manner that is against logic and the facts on record. *Putz v. Putz*, 645 N.W.2d 343, 347 (Minn. 2002); *Moylan v. Moylan*, 384 N.W.2d 859, 864 (Minn. 1986).

"[A] party cannot complain about a district court's failure to rule in [the party's] favor when one of the reasons it did not do so is because that party failed to provide the district court with the evidence that would allow the district court to fully address the question." *Eisenschenk v. Eisenschenk*, 668 N.W.2d 235, 243 (Minn. App. 2003), *review*

denied (Minn. Nov. 24, 2003). Here, although Rappe argues for the presumptive substantial change in circumstances to support reduction of the child-support obligation, he has failed to demonstrate that the statutory presumption applies. The district court found that Rappe receives income that he does not report. This finding is supported by both Templeton's affidavit, which the district court found credible, and the unexplained difference between Rappe's stated monthly income and expenses, even after accounting for his current wife's contributions to the household. Because Rappe has failed to reliably establish the amount of his income, a necessary component in the application of the child-support guidelines, Rappe's reliance on the statutory presumption is unavailing.

Rappe retains the burden, therefore, of persuasively demonstrating that there has been a substantial change in circumstances warranting setting aside the stipulated child-support agreement. The district court previously ordered Rappe to pay monthly child support of \$1,281. The stipulated order reduced the monthly child support to \$800, with the express provision that it would remain at that level for so long as Rappe's child-support obligation for the youngest child continues. Although Rappe argues that his income has been reduced, the district court found that Rappe had not adequately demonstrated a change in circumstances, in part because he had not met his burden of proof regarding his true income. This finding is supported by the record. Therefore, the district court did not abuse its discretion by denying Rappe's motion to modify child support.

Affirmed.