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**STATE OF MINNESOTA
IN COURT OF APPEALS**

A17-0055

A17-0297

A17-0059

Russell James Jensen, Jr.,
Appellant,

Park Development Corporation, et al.,
Plaintiffs,

vs.

Therese Brown Jensen, et al.,
Respondents,

and

Russell James Jensen, Jr.,
Appellant,

vs.

James R. Brown, as Trustee of the
Therese Brown Jensen Trust, et al.,
Respondents,

Brian Jensen, et al.,
Defendants,

and

James R. Brown, as the Trustee of
the Therese Brown Jensen Trust, et al.,
Respondents,

vs.

Russell James Jensen, Jr.,
Appellant,

Silvanesti, Inc.,
Defendant,

and

In re Petition of:
Russell James Jensen, Jr., Petitioner,
for Revocation of Deed,
Certificate of Title No. 131355
(129068) Outlots A & G,
St. Clair Park 3rd Addition,
Anoka County, Minnesota

Filed October 9, 2017

Affirmed

Ross, Judge

Anoka County District Court
File Nos. 02-CV-15-623;
02-CV-16-2742;
02-CV-15-716;
02-CV-16-594

Russell James Jensen, Jr., Arden Hills, Minnesota (pro se appellant)

Stanford P. Hill, Daniel R. Olson, Bassford Remele, P.A., Minneapolis, Minnesota (for respondents)

Considered and decided by Schellhas, Presiding Judge; Ross, Judge; and Kalitowski, Judge.*

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

UNPUBLISHED OPINION

ROSS, Judge

This case consolidates three appeals arising from a 2014 divorce in Washington and involving property in Minnesota to which the divorcing parties and their respective assignees claim an interest. Appellant Russell James Jensen Jr. and respondent Therese Brown Jensen divorced in Washington in 2014, with certain Minnesota real properties to be divided under their agreement. Disputes over the properties culminated in quiet-title, deed-revocation, and fraudulent-transfer actions in Minnesota. The district court in Minnesota dismissed Russell's quiet-title and deed-revocation claims and sanctioned him by awarding respondents their fees and costs. The district court also granted summary judgment to respondents in their fraudulent-transfer action, and again sanctioned Russell by awarding respondents their fees and costs. On appeal, Russell challenges the district court's sanctions and attorney-fee decisions in the quiet-title and deed-revocation cases. He also challenges the district court's summary-judgment, sanctions, and fee decisions in the fraudulent-transfer case. We affirm because Russell forfeited his arguments against sanctions and fees by failing to present them to the district court and because the district court properly granted summary judgment against him in the fraudulent-transfer case.

FACTS

Russell James Jensen Jr. and Therese Brown Jensen married in 1981, and they acquired several Minnesota properties and titled some in corporate entities. Therese filed for divorce in August 2013 in the state of Washington. A Washington district court issued

its dissolution decree in September 2014, dividing their property according to a stipulated settlement agreement.

The dissolution decree awarded ownership of Park Development Corporation to the Therese Brown Jensen Trust. Park Development owned three properties at the time: Outlot A 3rd Addition, Outlot G 3rd Addition, and “Blaine 5.” The dissolution decree awarded Blaine 5 to Therese’s brother, James. R. Brown (the trust’s trustee). It awarded Russell Outlots A and G (3rd Additions). The decree was docketed as a foreign judgment in Ramsey County. Russell appealed the dissolution decree in Washington. Litigation relating to the properties soon began in Minnesota.

Appeal A17-0055

Quiet-Title One

Russell allegedly served a summons and civil complaint against Therese and Brown in October 2014, asking the district court to declare him the owner of Outlot A 3rd Addition, Outlot G 3rd Addition, Blaine 5, and other properties. On November 14, 2014, Therese and Brown’s attorney served Russell with a motion for sanctions, warning that they would seek fees and costs if Russell did not withdraw his allegedly frivolous complaint. Russell instead served an amended complaint and discovery requests.

The trust granted Russell a warranty deed for Outlots A and G 3rd Additions on January 27, 2015. Therese and Brown moved to dismiss Russell’s quiet-title action on February 6, 2015, for failure to state a claim under Minnesota Rule of Civil Procedure 12.02(e). Therese and Brown also moved for sanctions. Russell responded, contending that,

because his claims were apparently satisfied as of February 6, he saw “no reason to have such a hearing.”

The district court granted Therese and Brown’s motion to dismiss. It reasoned that the only real-estate issue on appeal in the Washington dissolution case involved the Jensens’ home, and therefore Russell was “judicially barred from asserting any interest in the real estate awarded to [Brown] Thus, the complaint fails to state a claim upon which relief can be granted at the current time because the issues raised in the complaint are either moot or barred by judicial estoppel.” The district court dismissed the complaint without prejudice.

As for sanctions, the district court found that “[t]he record here demonstrates that [Russell] acted throughout this litigation in a vexatious and oppressive manner.” The district court referenced insulting emails, threats of complaints and litigation, other insulting behaviors, disrespect for the law, continued pursuit of the action after the lawsuit became baseless, and misrepresentations to the court. The district court limited fees and costs to those incurred after February 6, 2015, the date that Russell admitted that his claims were satisfied.

Therese and Brown submitted their related petition for attorney fees and costs. Russell responded by challenging the district court’s jurisdiction on the ground that he never filed the complaint and by challenging the award of attorney fees. The district court characterized Russell’s response as a reconsideration motion, which failed to comply with Minnesota Rule of General Practice 115.11. The district court also concluded that Russell was actually arguing against the merits of Therese and Brown’s sanctions motion, which

Russell had already forfeited by not responding. It determined that the sanction was reasonable and awarded \$20,747.50.

Russell refiled his complaint on July 17, 2015. He also filed a statement of the case on the same file in June 2016. Therese and Brown moved to dismiss the refiled quiet-title action on July 20, 2016.

Quiet-Title Two

Russell meanwhile had filed another quiet-title action against Therese, Brown personally, Brown as trustee, and others, in May 2016. It involved property in Anoka County, Ramsey County, and Ottertail County, some of which he included in his first complaint. Russell filed an unsigned voluntary dismissal of this quiet-title action in June 2016. Therese and Brown moved to dismiss on July 20, 2016.

Consolidated Quiet-Title One & Two

The district court consolidated the quiet-title actions in July 2016. Therese and Brown moved for sanctions in the combined actions on August 3, 2016. The district court adopted its findings from the first quiet-title order. The district court also found,

The actions of [Russell] in filing the Statement of [the] Case indicating that the dismissed lawsuit was ready for trial and in commencing a new lawsuit involving virtually the same parties, the same real estate and the same claims is simply a continuation of [his] vexatious and oppressive conduct Further, his actions are an abuse of the legal process.

The district court dismissed both of Russell's cases with prejudice and granted the motion for sanctions.

Therese and Brown submitted an affidavit for fees and costs, and Russell responded, antagonistically to the district court, as follows:

The court has determined to find against the plaintiff in each and every element of the case between the parties. Plaintiff has been found to be wrong on 100% of the issues and 100% of the facts 100% of the time. . . .

The attorneys for the defendants now seek attorney's fees. It does not appear that the court will ever find any issue in favor of the plaintiff so a very limited response is made here. Plaintiff objects to any award of attorney's fees to the defendants or their attorneys. Any further argument would appear futile.

The district court issued an amended dismissal order that awarded \$22,000 in attorney fees to Therese and Brown on January 4, 2017.

Appeal A17-0297

On January 27, 2015, Therese and Park Development Corporation recorded a warranty deed to Russell for Outlots A and G 3rd Additions. Russell filed a petition with the district court on February 18, 2015, for an order "revoking the deed and placing ownership of the property back in the name of Park Development Corporation." Therese and Park Development argued that Russell's petition was merely his attempt to avoid judgment liens on the property.

Therese and Park Development moved for summary judgment and sanctions. The district court granted the motion. It recounted the following undisputed facts: the properties were awarded to Russell in the Washington dissolution decree; the deed was issued in Russell's name and mailed to him in February 2015; and Russell executed and recorded a

quitclaim deed in November 2015, conveying the property to M. J. Scott Company (forming the basis for the related fraudulent-transfer claim).

The district court determined that the undisputed facts established any of several legal conclusions, each warranting summary judgment to Therese and Park Development. As for sanctions, the district court found no legitimate purpose for Russell's claim. It also concluded that his legal position did not rest on existing law or a nonfrivolous extension of law. It granted the motion for sanctions. Therese and Park Development sought \$40,707 in fees and costs. The district court issued an amended order granting summary judgment, awarding Therese and Park Development \$32,424 in attorney fees and expenses.

Appeal A17-0059

Therese Trust and M. J. Scott Company sued Russell and Silvanesti, Inc., in February 2016, alleging that Russell had fraudulently transferred four properties to avoid their judgment collection efforts: two Anoka County properties (Outlots A and G, 3rd Additions) and two Scott County properties. Therese Trust and M. J. Scott moved for summary judgment, arguing that there was no material dispute that Russell had transferred the properties from M. J. Scott to Silvanesti to escape a sheriff's sale. They also argued that they were entitled to recover their attorney fees. Russell and Silvanesti defended by acknowledging there had been a conveyance but asserting that Therese Trust and M. J. Scott's claim failed because Russell never made any "effort to make the property unavailable." The district court identified the following undisputed material facts from the documentary exhibits:

- Russell incorporated M. J. Scott Company on August 20, 2014;
- Russell purchased the Scott County properties on September 8, 2014;
- Therese Trust requested a writ of execution on judgments against Russell, with a writ issued for \$100,193.46 on November 18, 2015;
- Also on November 18, 2015, Russell recorded a deed conveying the Anoka properties to M. J. Scott;
- The writ of execution was delivered to the Ramsey County Sheriff's Office to levy on Russell's shares in M. J. Scott and other corporations;
- A sheriff's sale was scheduled for February 1, 2016;
- Russell filed for reinstatement of Silvanesti, Inc. on January 30, 2016;
- Russell executed warranty deeds transferring the Anoka and Scott County properties from M. J. Scott to Silvanesti on January 30;
- Russell began negotiating for settlement of claims in exchange for M. J. Scott Company's stock without disclosing that the assets had been transferred;
- Russell recorded the deeds on the morning of the sheriff's sale, filed an emergency ex parte motion to stay the sale, claimed there was a settlement in place, and failed to disclose his earlier conveyance;
- Therese Trust purchased the stock in M. J. Scott and the other companies at the sheriff's sale;
- Russell recorded mortgages by Silvanesti against the Anoka County and Scott County properties; and
- Russell continued to attempt to negotiate a settlement without disclosing that M. J. Scott's assets had been transferred.

The district court ordered summary judgment, concluding that “the undisputed facts clearly establish that the transfers from M. J. Scott Company to Defendant Silvanesti and the mortgages from Silvanesti to Defendant [Russell] Jensen were done with the actual intent to defraud.” It also indicated that it had reviewed Russell's earlier summary-judgment motion and his response to Therese Trust and M. J. Scott's summary-judgment motion, but that those filings were not executed under oath and therefore could not provide a basis for any fact dispute. As for attorney fees, the district court determined that the undisputed facts established Russell's actual intent to defraud and delay collection efforts,

and it ordered sanctions “limited to the fraudulent conveyance actions in Anoka County and Scott County.”

Therese Trust and M. J. Scott requested a total of \$72,466.50. Russell again generally objected, declaring, “It does not appear that the court will ever find any issue in favor of the defendants so a very limited response is made here. [Defendant] objects to any award of attorney’s fees to the [plaintiffs] or their attorneys. Any further argument would appear to be futile.”

The district court amended its summary judgment order and incorporated the attorney fee directive. Its final order (1) granted summary judgment against Russell; (2) voided the warranty deeds for the Anoka and Scott County properties; (3) voided the mortgages; (4) denied Russell’s earlier motion for release of the land from judgment; (5) denied an earlier discovery motion as moot; and (6) awarded \$65,000 in attorney fees plus \$1,359 in costs to Therese Trust and M. J. Scott. Russell appeals.

D E C I S I O N

Russell challenges four of the district court’s orders: (I) the district court’s sanctions order in Quiet-Title One; (II) the district court’s sanctions order in Consolidated Quiet-Titles One and Two; (III) the district court’s sanctions order in the deed-revocation action; and (IV) the district court’s summary-judgment and sanctions order in the fraudulent-transfer case. Most of Russell’s arguments are forfeited, and the remainder are unpersuasive.

I

In Quiet-Title One, the district court granted Therese and Brown's motion for sanctions and ordered Russell to pay the respondents' attorney fees and costs totaling \$20,747.50. Russell asks us to reverse the sanctions decision, apparently challenging the basis for sanctions and the amount of the award. We generally review the district court's decision to impose attorney fees as sanctions for an abuse of discretion. *See In re Claims for No-Fault Benefits Against Progressive Ins. Co.*, 720 N.W.2d 865, 874 (Minn. App. 2006), *review denied* (Minn. Nov. 22, 2006). But we do not reach the merits here. This is because respondents correctly argue that Russell forfeited his arguments by failing to present them to the district court. We generally do not consider arguments raised first on appeal. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1998). Russell failed to raise and preserve his arguments by presenting them to the district court.

II

In consolidated Quiet-Titles One and Two, the district court granted Therese and Brown's motion for sanctions and ordered Russell to pay attorney fees and expenses totaling \$22,835. Russell again urges us to reverse the sanctions, but again, Therese and Brown accurately emphasize that Russell forfeited his arguments. Russell presented no argument generally against sanctions, and his response to the attorney fees request included no substantive argument. His argument on appeal is therefore forfeited. *See Thiele*, 425 N.W.2d at 582.

III

In the deed-revocation case, the district court granted Therese and Park’s motion for sanctions and ordered Russell to pay the respondents’ attorney fees and expenses totaling \$32,424. Russell asks us to reverse the sanctions award, but he also claims, “The decision of the trial court must be overturned *in all its parts including any sanctions.*” (Emphasis added.) We clarify that the underlying summary judgment in the deed-revocation case is not the subject of this appeal; we previously limited Russell’s appeal only to the sanctions and fees determination. *See Jensen v. Jensen*, Nos. A17-0055, A17-0059, A17-0297 (Minn. App. Feb. 23, 2017) (order). Therese and Park argue that we should deem Russell’s arguments for reversal forfeited because he failed to oppose their motions for sanctions or fees. The argument is convincing. Although Russell opposed summary judgment and suggested that sanctions against respondents’ counsel were appropriate, he offered no substantive argument against sanctions or the amount. Russell’s arguments are forfeited.

IV

The district court granted summary judgment against Russell and Silvanesti in the fraudulent-transfer case and sanctioned them for \$66,359 in attorney fees and costs. Russell argues that the district court erred by granting summary judgment and abused its discretion by sanctioning him with fees. For the following reasons, we affirm both summary judgment and sanctions.

A. Summary Judgment

The district court granted summary judgment against Russell and Silvanesti, concluding that the undisputed facts established that Russell transferred assets from M. J.

Scott Company to Silvanesti with the intent to avoid collection, violating the Minnesota Uniform Voidable Transactions Act (MUVTA).¹ We review de novo whether any genuine issue of material fact exists and whether the district court properly applied the law. *Storms, Inc. v. Mathy Constr. Co.*, 883 N.W.2d 772, 776 (Minn. 2016).

Summary judgment is appropriate “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that either party is entitled to a judgment as a matter of law.” Minn. R. Civ. P. 56.03. A disputed fact is material if its resolution would affect the outcome of the case. *Zappa v. Fahey*, 310 Minn. 555, 556, 245 N.W.2d 258, 259–60 (1976). There is no genuine issue for trial if the nonmoving party “presents evidence which merely creates a metaphysical doubt as to a factual issue and which is not sufficiently probative with respect to an essential element of the nonmoving party’s case to permit reasonable persons to draw different conclusions.” *DLH, Inc. v. Russ*, 566 N.W.2d 60, 71 (Minn. 1997). But a party need not show substantial evidence to prevent summary judgment. *Schroeder v. St. Louis County*, 708 N.W.2d 497, 507 (Minn. 2006).

The MUVTA provides the framework for the respondents’ fraudulent-conveyance claim:

A transfer made or obligation incurred by a debtor is voidable as to a creditor, whether the creditor’s claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the

¹ In 2015, the Minnesota Uniform Fraudulent Transfer Act (MUFTA) was amended to the Minnesota Uniform Voidable Transactions Act (MUVTA). *See* Minn. Stat. §§ 513.41–.51 (Supp. 2015). The record refers to both the MUFTA and MUVTA, but we refer solely to the MUVTA.

obligation . . . with actual intent to hinder, delay, or defraud
any creditor of the debtor[.]

Minn. Stat. § 513.44(a)(1) (2016). These elements require proof that: (1) a debtor; (2) makes a transfer or incurs an obligation; (3) with the intent to hinder, delay, or defraud; (4) a creditor. *See id.* A “claim” means the “right to payment, whether or not reduced to judgment.” Minn. Stat. § 513.41(3) (2016). A “creditor” is a person who has a claim. Minn. Stat. § 513.41(4). A “debtor” is the person liable on the claim. Minn. Stat. § 513.41(6). And a “transfer” includes “every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with an asset or an interest in an asset, and includes payment of money, release, lease, license, and creation of a lien or other encumbrance.” Minn. Stat. § 513.41(16).

Russell challenges the district court’s summary-judgment decision on several bases. He argues that (i) there was no creditor-debtor relationship; (ii) there was no intent to hinder, delay, or defraud; (iii) there was no valuation of the debt and the asset; and (iv) the district court improperly excluded certain documents. We address each theory.

i. Creditor-Debtor Relationship

The district court determined that the undisputed material facts established that judgments for Therese Trust and against Russell were docketed in Ramsey County, that the trust received a writ of execution for \$100,193.46, and that the writ levied on shares of stock Russell owned in M. J. Scott and other companies. Russell argues that the MUVTA cannot apply because the parties had no creditor-debtor relationship:

The only creditor-debtor relationship in this case is between appellant and [the trust]. There is no allegation that appellant

transferred anything. The transfer of property in question was made by M. J. Scott, a corporation that had no debt obligations to the trust.

The argument requires us to interpret the MUVTA, a task we undertake de novo. *See Finn v. Alliance Bank*, 860 N.W.2d 638, 644 (Minn. 2015).

Therese Trust and Scott direct us to our recent decision in *Reilly v. Antonello*, 852 N.W.2d 694 (Minn. App. 2014). *Reilly* supports affirming. In *Reilly*, the respondents obtained judgments against Antonello and levied on Antonello's shares in a corporation. *Id.* at 696–97. Antonello sold investors his interest in the corporation without revealing that he had authorized the release of thousands of new shares, diminishing the value of his interest. Respondents sued Antonello under the MUFTA and the district court granted summary judgment. *Id.* On appeal, Antonello presented an argument substantially similar to Russell's. *See id.* at 698–99. We rejected that argument:

Appellants assert that the corporation legally diluted Michael Antonello's shares before the sheriff's sale, but this argument ignores the reality that Michael Antonello was exclusively responsible for the actions of the corporation and that he fraudulently transferred assets to the detriment of his creditors. To allow a sole director, officer, and shareholder to mask his fraudulent actions behind the façade of a closely held corporation would defy the plain meaning and intent of the Minnesota Uniform Fraudulent Transfer Act.

Id. at 701. We reject Russell's argument on the same reasoning. The judgments against Russell establish that he was a debtor and Therese Trust was his creditor. *See* Minn. Stat. § 513.41(4), (6). Russell was exclusively responsible for the transfer.

ii. Intent to Hinder, Delay, or Defraud

The legislature provides a non-exclusive list of factors indicating an actual intent to hinder, delay, or defraud under the MUVTA. *See* Minn. Stat. § 513.44(b)(1)–(11). The district court made the following findings relevant to proof of fraud:

- (1) the transfer was to an insider because Russell was the sole shareholder of M. J. Scott and Silvanesti;
- (2) Russell retained sole control of the property after the transfer;
- (3) the transfer was concealed;
- (4) Russell had been sued or threatened with suit prior to the transfer;
- (5) the transfer was essentially all of the assets.

See Minn. Stat. § 513.44(b)(1)–(5).

Russell argues that he had no intent to hinder, delay, or defraud collection because he was “making every effort to give the property to [Brown] to satisfy the debt. [Brown] would not take it.” But Russell’s transfer included several indicators of fraud, such as his attempt to conceal the transfer from Therese Trust. Russell’s argument therefore fails.

iii. Valuation of Debt and Asset

Russell argues that the MUVTA requires determining the value of both the claim and the asset that will satisfy the claim before a transfer can be voided. The statute allows a creditor to obtain relief in the form of “avoidance of the transfer or obligation *to the extent necessary to satisfy the creditor’s claim.*” Minn. Stat. § 513.47(a)(1) (2016). Russell argues that the district court erred by granting summary judgment because the court did not determine either the debt or the value of the asset: “The claimant has to argue, and the court has to determine, the amount of the debt and only void so much of the transfer as is

necessary to satisfy the creditor’s claim.” But Russell did not make this argument in the district court, and we decline to consider it for the first time on appeal. *See Thiele*, 425 N.W.2d at 582.

iv. Excluded Documents

The district court concluded that Russell’s submissions opposing summary judgment were not executed under oath and could not create a genuine issue of material fact. We review the district court’s decision to exclude evidence from its summary-judgment assessment for an abuse of discretion. *Antonello v. Comm’r of Revenue*, 884 N.W.2d 640, 644–45 (Minn. 2016).

Russell essentially argues that the district court’s decision amounted to striking his pleadings under Minnesota Rule of Civil Procedure 11.01, and he proceeds to argue that his digital signature was sufficient. But the form of supporting affidavits is framed by Minnesota Rule of Civil Procedure 56.05:

Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all documents or parts thereof referred to in an affidavit shall be attached thereto or served therewith. A “sworn copy” includes documents that are authenticated by a signature under penalty of perjury, pursuant to Minnesota Statutes, section 358.116.

Russell’s documents did not comply with this rule. The district court therefore did not abuse its discretion by declining to rely on them in its examination for a genuine issue of material fact. And it likewise did not err by granting summary judgment. We turn to Russell’s sanctions arguments.

B. Sanctions

The district court sanctioned Russell and Silvanesti with \$66,359 in attorney fees and costs. Russell argues first that the district court abused its discretion by ordering sanctions because the trust and M. J. Scott did not provide a safe-harbor notice and did not file a *separate* motion for sanctions. *See* Minn. R. Civ. P. 11.03(a)(1) (prohibiting filing of sanctions motion until 21 days after service of motion and requiring motion to be made separately); *see also* Minn. Stat. § 549.211, subd. 4(a) (2016). Russell argues second that the award was unreasonable. We need not fully analyze the substance of Russell's arguments because, again, he failed to present them to the district court.

We observe that compliance with the safe-harbor and separate-motion requirements for sanctions is mandatory, as Russell now suggests. *See, e.g., Johnson ex rel. Johnson v. Johnson*, 726 N.W.2d 516, 518 (Minn. App. 2007); *Dyrdal v. Golden Nuggets, Inc.*, 672 N.W.2d 578, 589 (Minn. App. 2003), *aff'd*, 689 N.W.2d 779 (Minn. 2004). But Russell had ample opportunity to argue any procedural defects and failed to do so; he responded to the memorandum that requested attorney fees without addressing the request, and he did not raise the arguments even during the summary-judgment hearing. We have described the formal requirements of rule 11 and section 549.211, subdivision 4(a), as due process protections. *See Buscher v. Montag Dev., Inc.*, 770 N.W.2d 199, 210 (Minn. App. 2009) (“Due process requires that the parties and attorneys receive notice of such potential sanctions and a hearing.” (quotation omitted)); *Johnson*, 726 N.W.2d at 519 (“[The] ‘safe-harbor’ provision is intended to give the offending party time to withdraw the improper papers or otherwise rectify the situation.” (quotation omitted)). But even due process

arguments may be forfeited by failing to present them to the district court. *See, e.g., Rubey v. Vannett*, 714 N.W.2d 417, 424 (Minn. 2006); *In re Welfare of Children of Coats*, 633 N.W.2d 505, 512 (Minn. 2001); *In re Welfare of J.B.*, 698 N.W.2d 160, 171 (Minn. App. 2005). Russell's tardy arguments are forfeited. *See Thiele*, 425 N.W.2d at 582.

We are unconvinced by Russell's contention that he "opposed the fees and the court noted his opposition." Russell apparently refers to his response to the trust and M. J. Scott's requested *amount* of fees. Russell's response was not an argument; it was a general objection that relied on the supposed futility of his presenting any actual argument. Russell again forfeited his challenge to the amount of sanctions by failing to present his arguments to the district court.

Affirmed.