

This opinion will be unpublished and may not be cited except as provided by Minn. Stat. § 480A.08, subd. 3 (2018).

**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-1946**

In re the Estate of: Pauline Mary Serpico, Deceased.

**Filed November 12, 2019
Affirmed
Florey, Judge**

Dakota County District Court
File No. 19HA-PR-12-751

Raymond Manning, South St. Paul, Minnesota (pro se appellant)

James LaBarre, Inver Grove Heights, Minnesota (pro se respondent)

Considered and decided by Florey, Presiding Judge; Reyes, Judge; and Smith, Tracy M., Judge.

UNPUBLISHED OPINION

FLOREY, Judge

Appellant challenges the district court's denial of his motions to, inter alia, remove respondent as personal representative of his mother's estate and find that respondent has no legitimate possessory interest in the homestead. We affirm.

FACTS

Pauline LaBarre (Pauline), appellant Raymond Manning's (Manning) mother, passed away intestate in 2012. She was survived by her spouse, respondent James LaBarre (LaBarre); Manning; and her daughter, Alisa Stromberg-Serpico. Ten months after

Pauline's death, LaBarre filed a petition for formal adjudication of intestacy, determination of heirs, and appointment of personal representative for Pauline's estate (the estate). LaBarre was appointed personal representative of the estate in January of 2013.

Five years later, Manning, acting pro se, filed with the district court what was construed to be an objection to LaBarre's appointment.¹ Prior to the hearing on this objection, Manning filed four additional documents with the district court, from which the court distilled the following issues to be addressed at the hearing: (1) whether LaBarre had an interest in the marital homestead; (2) whether LaBarre was liable to Manning for any damage to, or waste of, the homestead; and (3) whether any of LaBarre's official actions as administrator of the estate should be invalidated.

Manning argued, among other things, that LaBarre's marriage to Pauline was annulled, but he did not provide any evidence to support this claim. He also alleged that a 2009 deed transferred title of the property from LaBarre and Pauline to Pauline alone, and that this precludes any interest LaBarre may have otherwise had. The district court held that regardless of the deed, LaBarre possessed a life estate in the property as a surviving spouse under Minn. Stat. § 524.2-402(a)(2). With respect to the issue of damage or waste to the property, the district court found that Manning did not meet his burden of demonstrating that LaBarre has acted improperly in his role as personal representative or caused waste or damage to the property.

¹ Alisa Stromberg-Serpico joined Manning as a plaintiff in the earlier proceedings in this matter, but unfortunately passed away in 2018.

After the district court's order, Manning filed five more documents of various natures and descriptions with the district court in less than one month. The district court issued an order in July of 2018 stating,

A variety of written requests have been made by Mr. Manning and filed with this court since the issuance of the Order filed May 30, 2018. These requests are difficult to decipher. . . . In the interests of due process, these requests are deemed: a) a letter request seeking reconsideration under Minn. Gen. R. Prac. 115.11; and b) a petition for successor personal representative under Minn. Stat. § 524.3-613.

The district court denied Manning's request for reconsideration. However, after observing that there was no indication that LaBarre had conducted any administrative activities with respect to the estate since his appointment over five years prior, the district court scheduled an evidentiary hearing on Manning's petition for a successor personal representative.

After the evidentiary hearing, but before the district court's decision, Manning filed thirteen additional sweepingly broad and ambiguous documents, which the court deciphered as follows:

Mr. Manning argues nothing has been done to administer or benefit this estate since Mr. LaBarre was appointed personal representative. However, the vast majority of Mr. Manning's presentation consisted of attempting to explain how Mr. LaBarre should be removed from decedent's homestead and that he (Mr. Manning) should be allowed to live there instead, because he is an owner.

The district court denied the motion to remove LaBarre as personal representative and reiterated that LaBarre has a life estate in the property, subject to a remainder interest in Manning and his sister. This appeal followed.

DECISION

Our analysis of this appeal requires recitation of several fundamental principles. We begin with a reminder that the function of the court of appeals is to identify errors and correct them—not to perform the role of the district court. *Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988). For this reason, this court generally does not consider matters not brought before, or addressed by, the district court. *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988). For those matters properly before this court and amenable to appellate review, we never presume that an error was made. *Loth v. Loth*, 35 N.W.2d 542, 546 (Minn. 1949). “[T]he burden of showing error rests upon the one who relies upon it.” *Id.* (quotation omitted).

Turning now to the rights and responsibilities of parties before the court of appeals: bare assertions of error are not enough. *State v. Modern Recycling, Inc.*, 558 N.W.2d 770, 772 (Minn. App. 1997). Assertions unsupported by authority or argument, and issues that are otherwise inadequately briefed, are deemed forfeited. *Melina v. Chaplin*, 327 N.W.2d 19, 20 (Minn. 1982). Generally, we hold pro se litigants to the same standard as attorneys and do not overlook their non-compliance with court rules. *Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001). However, in the interest of fairness, courts also afford pro se litigants some leeway and accommodation, so long as doing so does not result in prejudice. *Liptak v. State ex rel. City of New Hope*, 340 N.W.2d 366, 367 (Minn. App. 1983); see *Carpenter v. Woodvale, Inc.*, 400 N.W.2d 727, 729 (Minn. 1987) (“While an appellant acting pro se is usually accorded some leeway in attempting to comply with court

rules, he is still not relieved of the burden of, at least, adequately communicating to the court what it is he wants accomplished and by whom.”).

Regarding Manning’s appeal, we first note that we agree with the district court that Manning’s abundant filings are difficult to decipher. Manning’s determined efforts to learn the body of estate and property law are admirable, but ultimately unavailing. At various points below and on appeal, Manning alleges that the district court erred in interpreting his arguments or failed to address them altogether. While it is possible that the district court did not address the arguments or points Manning intended or believed to have made, to the extent that this is so, this would be through no fault or error—much less reversible error—on the part of the district court. *Carpenter*, 400 N.W.2d at 729 (pro se parties must adequately communicate their positions to the court). Manning uses and misuses enough terminology to potentially implicate dozens of legal claims and arguments—most of which would lack any practical relevance to the present matter. We believe that the district court correctly identified the primary purposes of Manning’s filings.² Therefore, our review is necessarily limited to the issues adequately submitted to and considered by the district court.

Manning argues that the district court erred in denying his request to evict LaBarre from the homestead. The district court correctly observed that the demands of Minn. Stat. § 524.2-402(a)(2) (2018) are clear: the homestead passes first to the surviving spouse, if

² We note that some of the district court’s framing of Manning’s arguments was charitable—to say the least. But this was in appropriate conformity to the court’s duty to accommodate pro se litigants in the pursuit of fairness. *See Haugen*, 410 N.W.2d at 395.

any; and if there are descendants, they hold remainder interests subject to what then becomes a life estate in the surviving spouse. Manning argues that this result is erroneous for many reasons; however, the function of this court does not require us to demonstrate to the litigants “through a detailed statement of the evidence that [our] decision is right. If the length of judicial opinions is to be kept within reasonable bounds, appellate courts must more closely adhere to the purpose for which they exist.” *Engquist v. Wirtjes*, 68 N.W.2d 412, 414 (Minn. 1955).

Our duty is performed when we consider all of the evidence and determine that it reasonably supports the district court’s findings. *Wilson v. Moline*, 47 N.W.2d 865, 870 (1951). We have done so here. To individually address every argument and authority Manning offers would be to extend this opinion beyond all reasonable length. *State v. Bolsinger*, 21 N.W.2d 480, 488 (1946). To the extent that Manning, on appeal, intended to raise other issues or arguments, and to the extent that those could be considered properly before this court, “[i]t is sufficient to say that none of them are [on] point.” *Id.*

In arriving at its decision, the district court straightforwardly applied a well-established and statutorily codified legal principle. The district court correctly determined that Manning has only a remainder interest in the property, subject to LaBarre’s life estate. In light of the foregoing, we affirm.

Affirmed.