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**STATE OF MINNESOTA
IN COURT OF APPEALS
A19-1916**

In re the Marriage of: Dia Eldin Jubara, petitioner,
Respondent,

vs.

Nihad Salah Awad Hamed,
Appellant.

**Filed October 19, 2020
Affirmed in part and remanded
Bryan, Judge**

Hennepin County District Court
File No. 27-FA-17-8036

Maury D. Beaulier, Beaulier Law Office, St. Louis Park, Minnesota (for respondent)

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Considered and decided by Ross, Presiding Judge; Bjorkman, Judge; and Bryan,
Judge.

UNPUBLISHED OPINION

BRYAN, Judge

In this marital dissolution dispute, appellant challenges the district court's judgment and decree for three reasons. First, appellant argues that the district court erred in dividing the marital estate. Because the division of the estate is equitable under the circumstances, we conclude that the district court did not abuse its discretion. Second, appellant argues

that the district court erred in denying her request for spousal maintenance. Because the district court's findings are insufficient to permit review, we remand for further proceedings. Third, appellant argues that the district court erred in denying her request for both conduct- and need-based attorney fees. Because we conclude that appellant forfeited these arguments, we decline to review that portion of the district court's decision.

FACTS

In 2014, appellant Nihad Salah Awad Hamed (wife) married respondent Dia Eldin Jubara (husband) in Sudan. In September 2016, wife moved to the United States to live with husband. The couple lived together until they separated on September 27, 2017. In November 2017, the district court granted wife's petition for an order for protection (OFP) against husband. In that order, the district court also awarded wife temporary spousal maintenance in the amount of \$1,100 per month. Shortly after the district court issued the OFP, husband filed for divorce. In July 2018, the district court incorporated the temporary spousal maintenance obligation into the dissolution matter, noting that husband's obligation to pay \$1,100 per month would "continue until trial where the permanent amount of spousal maintenance will be determined."

The district court scheduled the matter for a one-day trial on November 15, 2018, regarding property division and spousal maintenance. One day was not enough time, and at the close of the first day of trial, the district court scheduled a second day of trial to occur on March 4, 2019. Also after the first day of trial, the district court requested additional written arguments regarding whether to terminate husband's temporary spousal maintenance obligation. Both parties submitted written letter briefs, and on January 29,

2019, the district court issued an order terminating husband's temporary spousal maintenance. Trial resumed on March 4, 2019. After trial, the district court entered the judgment and decree. Given the issues raised on appeal, we discuss the facts relating to the division of property, the district court's decision not to order spousal maintenance, and the requested attorney fees.

A. *Property Division*

First, the district court unequally divided the marital estate. The district court found that the parties have the following marital assets: a Bank of America checking account (with a balance of \$1,850), a Wells Fargo savings account (with a balance of \$662.04), a Wells Fargo business checking account (with a balance of \$43.65), two separate Wells Fargo personal checking accounts (one with a balance of \$1,619.12 and the second with a balance of \$1,260.30),¹ a Think Mutual Bank (Think Bank) account with an unknown balance,² husband's 401K (valued at \$2,437.66), and a Honda CRV (CRV).³

¹ Wife testified that the account had a balance of \$1,260. The account statement was admitted without objection, but not made part of the record before this court.

² Husband testified regarding the balance of three Think Bank accounts before and after the valuation date. Statements for the three Think Bank accounts were admitted without objection, but not made part of the record before this court. Husband testified that he withdrew almost all of the money from the Think Bank accounts in September 2017, leaving a balance of \$0.14 in each of the accounts. Husband also testified that he then deposited the withdrawn funds from Think Bank into one of the Wells Fargo accounts that the district court ultimately included as a marital bank account.

³ The district court found that the CRV is encumbered by a loan in the amount of \$33,023, but also found that the balance on this loan totaled \$32,021. Under the table heading "Debt if encumbered," the district court included the number \$27,274. The record includes documentary evidence that the trade-in value for the CRV is \$27,274. Neither party contests the value of the CRV. For the purposes of this opinion, we construe the district court's findings to establish that the value of the CRV is \$27,274 and that the vehicle is

The district court also found that the parties have the following marital debts: a \$4,424.74 Wells Fargo credit card, a \$3,736.90 Capital One credit card, a \$288.76 Chase credit card, a \$2,568 Synchrony credit card, \$53,874.35 in student loans, a \$32,021 auto loan against the CRV, a \$19,493.95 Burgan bank loan, and \$431.39 in medical bills.⁴ These amounts total \$116,839.09.

Although the district court did not explicitly itemize each potential asset or liability as marital or nonmarital, the language used by the district court and the distinctions made by the district court indicate that the district court classified certain property as nonmarital. This includes husband's joint savings and joint checking account with a nonjoint child and three bank accounts belonging to husband's mother.⁵ Husband offered several exhibits showing that the three accounts were in his mother's name and that he had power of attorney, allowing him to access these accounts on his mother's behalf. The district court

encumbered by a car loan in the amount of \$32,021. The net value of the CRV is negative \$4,747.

⁴ In its findings of fact, the district court included a list of the parties' debts, without distinguishing which, if any, of these debts is nonmarital. In its conclusions of law, the district court includes an identical list of debts under the heading "Marital Debts." Because the parties do not challenge this characterization of the listed debts as marital debts, for purposes of this appeal, we treat all of the debts listed in the conclusions of law as marital debts, even where there may have been evidence to the contrary admitted at trial.

⁵ Before trial, wife sought to introduce bank statements relating to husband's mother's three bank accounts to show that husband used his mother's accounts to dissipate marital assets. The district court ruled that the bank statements before the valuation date were inadmissible as substantive evidence to show dissipation, but that wife may use bank statements prior to the valuation for impeachment purposes. The district court also ruled that the bank statements after the valuation date were admissible to show dissipation. At trial, wife did not attempt to offer any of these bank statements into evidence either substantively or for impeachment. In its judgment and decree, the district court found that wife "provided the Court with insufficient evidence of the alleged dissipation."

separated these bank accounts from those that it labeled “marital accounts.” By distinguishing the marital accounts from husband’s joint accounts and husband’s mother’s accounts, the district court excluded these accounts from the marital estate.

In addition, two other items were awarded to wife: wedding jewelry given to wife by husband (valued at \$6,000) and a special perfume given to wife by her mother as a wedding gift (valued at approximately \$15,000). The district court awarded both to wife, but it did not make clear findings regarding the property’s marital or nonmarital character. Specifically, the district court included two sentences regarding the jewelry in its findings of fact: “[Wife] has \$6,000 of gold jewelry in her possession that was purchased by [husband] for [wife]. The Court finds this jewelry should be awarded to [wife].” Its conclusions of law reiterate this decision: “[Wife] is awarded the jewelry, approximately \$6,000 in value, in her possession given to her by [husband].” Regarding the perfume, the district court included two sentences in its findings of fact: “[Wife] claims that she has a nonmarital interest in home-made perfume given to her by her Mother as a wedding gift. She claims the value of this perfume is approximately \$15,000.” The district court’s conclusions of law awarded the perfume to wife: “[Wife] is awarded the containers of the home-made perfume. [Husband] shall return the home-made perfume to [wife] within two (2) weeks from the entry of Judgment.” For purposes of this appeal, we construe the district court’s order awarding the jewelry and the perfume to wife as a decision to award wife these nonmarital gifts and to exclude them from division of the marital estate.⁶

⁶ Neither party contests the decision to award these gifts to wife. Likewise, none of the arguments on appeal directly concern the marital or nonmarital character of these items.

In the judgment and decree, the district court awarded husband various bank accounts totaling \$3,512.77, his 401K retirement account, and the CRV. The district court also awarded 100% of the marital debt to husband, requiring him to bear sole responsibility for paying debts totaling \$116,839.09. The district court awarded wife the Think Mutual Bank account with an unknown balance, her \$662.04 Wells Fargo savings account, her \$1,260.30 Wells Fargo checking account, and no marital debt. In total, by our calculation, the district court awarded to wife marital assets totaling \$1,922.34. The district court awarded to husband marital debts and assets totaling *negative* \$83,614.66.

B. Spousal Maintenance

Second, the district court denied wife's request for spousal maintenance. The district court found that husband earns an annual gross employment income of \$123,000, and after various deductions, earns a monthly net income of \$5,903. The district court also found that wife is a full-time student who works part-time at Wendy's, but is capable of working full-time while going to school. In addition, the district court found that wife earns a gross monthly income of \$667,⁷ and has \$2,166.99 in monthly expenses.

In its judgment and decree, the district court concluded that neither of the two factors under Minnesota Statutes section 518.552, subdivision 1 (2018), supported a spousal maintenance award. The district court determined that wife "does not lack sufficient marital property" because "none was acquired during the parties' marriage" and the parties

Wife's argument that the district court inequitably divided the marital estate is strengthened by our decision to construe the award of wife's gifts as an award of nonmarital property.

⁷ The district court did not specify wife's net monthly income.

“lived beyond their means, to the point that they incurred a significant amount of debt.” Considering the amount of debt incurred during the marriage, the district court found that wife is capable of supporting herself in a manner similar to what she was accustomed to during the marriage. The district court did not specifically analyze or apply the factors in Minnesota Statutes section 518.552, subdivision 2 (2018).

C. Attorney Fees

Third, the district court denied wife’s request for conduct- and need-based attorney fees. Because the district court found that both parties contributed to the length and expense of the litigation, it denied wife’s request for conduct-based attorney fees. The district court also denied wife’s request for need-based attorney fees, finding that because wife could be employed on a full-time basis, she has the means to pay her own attorney fees.

Both parties moved for amended findings. The district court characterized wife’s motion for amended findings as an improper motion for reconsideration and procedurally deficient. The district court denied both parties’ motions. This appeal follows.

D E C I S I O N

I. Property Division

Wife argues that the district court erred in its division of the marital estate in the following three ways: (1) the district court did not include husband’s mother’s accounts in the marital estate;⁸ (2) the district court awarded wife assets that do not exist; and (3) the

⁸ Wife also made a variety of other arguments, including a challenge to the district court’s evidentiary ruling regarding the admission of bank statements, a request to offset husband’s

district court did not accurately weigh the disparity in the parties' financial circumstances when it divided their marital property. We address each in turn and affirm the division of property.

Our statutes define “marital property” as: “property, real or personal . . . acquired by the parties, or either of them, to a dissolution . . . at any time during the existence of the marriage relation between them . . . but prior to the date of valuation” Minn. Stat. § 518.003, subd. 3b (2018). “All property acquired by either spouse subsequent to the marriage and before the valuation date is presumed to be marital property regardless of whether title is held individually or by the spouses” *Id.* “Upon a dissolution of a marriage . . . the [district] court shall make a just and equitable division of the marital property of the parties” after considering all relevant factors. Minn. Stat. § 518.58, subd. 1 (2018). These factors include “the length of the marriage, any prior marriage of a party, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, needs, opportunity for future acquisition of capital assets, and income of each party.” *Id.*

property award based on allegations that he used marital property to pay his attorney fees, and a request to recover a portion of a tax refund that was diverted to husband's student loan debt during the marriage. We decline to address these arguments as wife did not clearly identify error, did not adequately brief the argument, or did not properly raise the issue in a timely motion for a new trial. *See* Minn. R. Civ. App. P. 103.04; *State Dep't of Labor & Indus. v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997) (declining to address issue not adequately briefed); *Waters v. Fiebelkorn*, 13 N.W.2d 461, 464-65 (Minn. 1944) (“On appeal error is never presumed. It must be made to appear affirmatively before there can be reversal . . . [and] the burden of showing error rests upon the one who relies upon it.”).

Because wife contests the district court's factual findings regarding whether the parties acquired a particular asset, the district court's factual findings regarding the existence of particular assets, and the district court's ultimate division of marital property, wife's arguments involve two standards of review. We review the factual determinations regarding the acquisition and existence of assets for clear error. *See also* Minn. R. Civ. P. 52.01; *LaValle v. Kulkay*, 277 N.W.2d 400, 403 (Minn. 1979) (reviewing for clear error a district court's finding that a plan existed to develop certain property); *Peterson v. Holiday Recreational Indus., Inc.*, 726 N.W.2d 499, 507 (Minn. App. 2007) (reviewing a district court's finding regarding the existence of a constructive trust for clear error), *review denied* (Minn. Feb. 28, 2007); *State v. Hines*, 458 N.W.2d 721, 724 (Minn. App. 1990) (reviewing a district court's determination of the existence of a conspiracy for clear error), *review denied* (Minn. Sept. 28, 1990); *Southwell v. Southwell*, 413 N.W.2d 580, 583 (Minn. App. 1987) (instructing the district court to make findings regarding the disputed existence of an asset).

“When determining whether findings are clearly erroneous, the appellate court views the record in the light most favorable to the [district] court's findings,” *Vangsness v. Vangsness*, 607 N.W.2d 468, 472 (Minn. App. 2000), and defers to the district court's credibility determinations, *Gada v. Dedefo*, 684 N.W.2d 512, 514 (Minn. App. 2004) (citing *Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988)). “[I]f we are ‘left with the definite and firm conviction that a mistake has been made,’ we may find the trial court's decision to be clearly erroneous, notwithstanding the existence of evidence to support such

findings.” *Olsen v. Olsen*, 562 N.W.2d 797, 800 (Minn. 1997) (quoting *In re Trust Known as Great N. Iron Ore Props.*, 243 N.W.2d 302, 305 (Minn. 1976)).

We review the district court’s decision to unequally divide the marital assets and liabilities for an abuse of discretion. “A [district] court has broad discretion in evaluating and dividing property in a marital dissolution and will not be overturned except for abuse of discretion.” *Antone v. Antone*, 645 N.W.2d 96, 100 (Minn. 2002). “[An appellate court] will affirm the [district] court’s division of property if it had an acceptable basis in fact and principle even though we might have taken a different approach.” *Id.* A district court abuses its discretion in dividing property if it resolves the matter in a manner “that is against logic and the facts on record.” *Rutten v. Rutten*, 347 N.W.2d 47, 50 (Minn. 1984).

First, wife argues that the district court erred when it decided not to include husband’s mother’s bank accounts in the marital estate. We are not persuaded. The bank statements admitted into evidence as well as husband’s accompanying testimony show that husband had power of attorney to access his mother’s accounts on her behalf. Based on this evidence, the district court determined that the accounts belonged to husband’s mother. Wife cites to no authority treating power of attorney as an asset or supporting the proposition that an agent acquires a property interest in the principal’s property.⁹ We conclude that, viewing the evidence in the light most favorable to the district court’s

⁹ “[I]n a dissolution proceeding, a district court lacks personal jurisdiction over a nonparty and cannot adjudicate a nonparty’s property rights.” *Danielson v. Danielson*, 721 N.W.2d 335, 339 (Minn. App. 2006); see also *Fraser v. Fraser*, 642 N.W.2d 34, 38 (Minn. App. 2002) (noting that section 518.58 “does not authorize the district court to adjudicate the interests of third parties”).

findings, we are not left with the conviction that a mistake has been made. The district court did not clearly err in finding that because husband acquired only power of attorney, neither party acquired a property interest in those accounts during the marriage.

Second, wife argues that the district court awarded her two marital assets that she believes no longer exist: the Think Bank accounts and wife's Wells Fargo checking account.¹⁰ We conclude that the district court did not clearly err in finding that the items existed. Husband testified regarding the balance of the Think Bank accounts before and after the valuation date, and a bank statement was admitted without objection for these accounts. Similarly, both parties testified that wife's Wells Fargo checking account had a balance of \$1,260, and a bank statement was admitted without objection regarding this account. The district court did not clearly err in identifying these accounts as marital assets.

Third, wife argues that the district court did not equitably divide the parties' marital property. We disagree and conclude that the district court acted within its discretion when it divided the marital estate. We begin by noting the importance of considering the division of marital debt when deciding whether a district court abused its discretion and unequally allocated marital property. *See e.g., Korf v. Korf*, 553 N.W.2d 706, 712 (Minn. App. 1996) ("In dissolution proceedings, debts are apportioned as part of the property settlement and

¹⁰ Wife also argues that the wedding perfume and the wedding jewelry no longer exist. In its judgment and decree, the district court awarded the jewelry and the perfume to wife. In addition, the district court ordered husband to return the perfume to wife within two weeks of the entry of judgment. Given the decision to construe the district court's award of both the perfume and the jewelry as wife's nonmarital property, and given the language in the district court's judgment regarding return of the perfume, we need not address this argument. The existence of these nonmarital items awarded to wife does not impact our review of the issues before us.

are treated in the same manner as the division of assets.”). In this case, the district court apportioned all of the marital debt, including the CRV loan, to husband. This debt totaled \$116,839.09. The district court also awarded husband his pension (valued at \$2,437.66), the CRV (with a fair market value of \$27,274), and various marital bank accounts (valued at \$3,512.77), for a total of \$33,224.43. Thus, husband received property worth *negative* \$83,614.66. In contrast, the district court awarded marital bank accounts worth \$1,922.34 to wife and none of the marital debt. Given the overall negative value of the marital estate and given the great disparity in the division of marital debt, we cannot agree that the district court treated wife unfairly or otherwise abused its discretion in dividing the marital debts and assets. We affirm the district court’s division of property.

II. Spousal Maintenance

Wife argues that the district court committed reversible error by denying her request for an award of ongoing spousal maintenance.¹¹ Because the district court’s findings are insufficient to permit review, we remand for further proceedings.

Spousal maintenance is “an award in a dissolution or legal separation proceeding of payments from the future income or earnings of one spouse for the support and

¹¹ Wife also appears to challenge the district court’s order terminating husband’s temporary spousal maintenance obligation. We do not address this issue as temporary orders are generally not appealable and are only reviewable to the extent that they directly affect the judgment. Minn. R. Civ. App. P. 103.03; *Rigwald v. Rigwald*, 423 N.W.2d 701, 705 (Minn. App. 1988) (noting that temporary relief orders in dissolution cases are not final appealable orders); *see also, e.g., Dean v. City of Winona*, 868 N.W.2d 1, 5 (Minn. 2015) (“An appeal should be dismissed as moot when a decision on the merits is no longer necessary or an award of effective relief is no longer possible.”); *In re Paternity of B.J.H.*, 573 N.W.2d 99, 104-05 (Minn. App. 1998) (stating that a challenge to a temporary parenting time schedule was moot because it had since expired).

maintenance of the other.” Minn. Stat. § 518.003, subd. 3a (2020). A district court may grant a spousal maintenance award if it makes specific findings regarding the spouse seeking maintenance:

[T]he court may grant a maintenance order for either spouse if it finds that the spouse seeking maintenance:

(a) lacks sufficient property, including marital property apportioned to the spouse, to provide for reasonable needs of the spouse considering the standard of living established during the marriage, especially, but not limited to, a period of training or education, or

(b) is unable to provide adequate self-support, after considering the standard of living established during the marriage and all relevant circumstances, through appropriate employment, or is the custodian of a child whose condition or circumstances make it appropriate that the custodian not be required to seek employment outside the home.

Minn. Stat. § 518.552, subd. 1. If application of one factor enumerated in subdivision 1 indicates that a maintenance award is appropriate, the district court shall consider several additional factors to set the amount and duration of spousal maintenance, including the following: the financial resources of the party seeking maintenance; that party’s ability to meet needs independently; the time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment; the probability, given the party’s age and skills, of completing education or training and becoming self-supporting; the standard of living established during the marriage; the duration of the marriage; the length of absence from employment for the party seeking maintenance; the extent to which that party’s earning capacity has become permanently diminished; the age, and the physical and emotional condition of the spouse seeking maintenance; the ability of the spouse from whom maintenance is sought to meet needs while meeting those of the

spouse seeking maintenance; and the contributions of each party to the marital estate, including contributions of a spouse as a homemaker. Minn. Stat. § 518.552, subd. 2.

We review factual challenges regarding spousal maintenance for clear error. Minn. R. Civ. P. 52.01 (stating that findings of fact “shall not be set aside unless clearly erroneous”); *Gessner v. Gessner*, 487 N.W.2d 921, 923 (Minn. App. 1992) (“Findings of fact concerning spousal maintenance must be upheld unless they are clearly erroneous.”). In addition, we review a district court’s decision to grant or deny a request for spousal maintenance for an abuse of discretion. *Curtis v. Curtis*, 887 N.W.2d 249, 252 (Minn. 2016). “Even where the record supports the [district] court’s decision, the failure to make specific findings compels a remand.” *Stevens v. Stevens*, 501 N.W.2d 634, 637 (Minn. App. 1993); *see also Kremer v. Kremer*, 889 N.W.2d 41, 55 (Minn. App. 2017) (remanding for failure to make specific findings under Minn. Stat. § 518.552, subd. 1), *aff’d*, 912 N.W.2d 617 (Minn. 2018).

In this case, the district court denied spousal maintenance under the two factors in subdivision 1. Specifically, the district court found that because “the parties’ marital estate primarily existed of debt,” wife “does not lack a sufficient apportionment of property to provide for her reasonable needs,” and wife “can reasonably provide a standard of living for herself similar to that that she was accustomed to during the parties’ marriage.” We have previously determined that when the parties’ standard of living is maintained by debt financing, the parties cannot expect the same lifestyle after their dissolution. *Chamberlain v. Chamberlain*, 615 N.W.2d 405, 409-10 (Minn. App. 2000). A low standard of living, however, does not dispose of the district court’s obligation to make particular findings

regarding wife's reasonable needs. Here, the district court made no such findings regarding the marital standard of living, regarding what would constitute adequate self-support, or regarding wife's ability to provide for her reasonable needs given her marital and nonmarital assets, and considering her current "period of training or education." In addition, the district court did not make specific findings in support of its conclusion that wife is currently underemployed and did not make any findings regarding wife's anticipated income if fully employed. Given wife's gross monthly income of \$667, or approximately \$8,000 annually, and husband's gross annual income of \$123,000, additional findings are necessary to justify the denial of wife's spousal maintenance request under the factors listed in subdivision 1. On remand, the district court shall make additional findings regarding the factors in subdivision 1. In addition, if applicable, the district court shall make findings regarding the factors listed in subdivision 2. The district court may reopen the record at its discretion.

III. Attorney Fees

Wife argues that the district court erred by denying her request for both conduct-based and need-based attorney fees. Because we conclude that wife forfeited appellate review of these issues, we decline to review that portion of the district court's decision.

A. Conduct-Based Fees

The district court may impose conduct-based attorney fees "against a party who unreasonably contributes to the length or expense of the proceeding." Minn. Stat. § 518.14, subd. 1 (2018). Conduct-based attorney fees may be "based on the impact a party's behavior has had on the costs of the litigation regardless of the relative financial resources

of the parties.” *Dabrowski v. Dabrowski*, 477 N.W.2d 761, 766 (Minn. App. 1991). The requesting party bears the burden of establishing that the other party’s conduct unreasonably contributed to the length or expense of the proceeding. *Geske v. Marcolina*, 624 N.W.2d 813, 818 (Minn. App. 2001).

In this case, wife argues that the district court abused its discretion in denying her conduct-based attorney fees because husband dissipated marital assets. Specifically, wife sought to introduce bank statements relating to husband’s mother’s three bank accounts to show that husband used his mother’s accounts to dissipate marital assets. Before trial, the district court ruled that the bank statements prior to the valuation date were inadmissible as substantive evidence to show dissipation, but that wife may use bank statements prior to the valuation for impeachment purposes. The district court also ruled that the bank statements after the valuation date were admissible to show dissipation. At trial, wife did not attempt to offer any of these bank statements into evidence either substantively or for impeachment. In its judgment and decree, the district court found that wife “provided the Court with insufficient evidence of the alleged dissipation.” Wife now challenges the district court’s evidentiary ruling regarding the admissibility of the bank statements and argues that conduct-based fees are appropriate.

We conclude that wife has forfeited this argument for three reasons. First, wife has cited no legal authority to support the argument and has not explained how the district court’s evidentiary ruling was erroneous. We generally decline to address inadequately briefed legal arguments like this one. *See State Dep’t of Labor & Indus.*, 558 N.W.2d at 480. Second, wife did not bring a motion for new trial regarding what she now identifies

as an error in the district court's evidentiary rulings regarding dissipation evidence. *See Sauter v. Wasemiller*, 389 N.W.2d 200, 201 (Minn. 1986) (“[T]he general rule [is] that matters such as trial procedure, evidentiary rulings and jury instructions are subject to appellate review only if there has been a motion for a new trial in which such matters have been assigned as error.”); *Frank v. Illinois Farmers Ins. Co.*, 336 N.W.2d 307, 311 (Minn. 1983) (concluding that when a district court's failure to address an issue is not raised in a new trial motion, there is no ruling for an appellate court to review). Third, wife did not seek to introduce bank statements at trial for these accounts as impeachment evidence or as substantive evidence as the district court's ruling would have allowed. Accordingly, we decline to review the district court's decision to deny wife's request for conduct-base attorney fees.

B. Needs-Based Fees

Wife also forfeited appellate review of her request for an award of need-based attorney fees. We decline to review the denial of this request as well.

A party requesting need-based attorney fees must establish the following three elements:

- (1) that the fees are necessary for the good faith assertion of the party's rights in the proceeding and will not contribute unnecessarily to the length and expense of the proceeding;
- (2) that the party from whom fees, costs, and disbursements are sought has the means to pay them; and
- (3) that the party to whom fees, costs, and disbursements are awarded does not have the means to pay them.

Minn. Stat. § 518.14, subd. 1. The party seeking need-based attorney fees has the burden of establishing these elements. *See In re Marriage of Sammons*, 642 N.W.2d 450, 458 (Minn. App. 2002) (refusing to award need-based attorney fees when party failed to establish the existence of elements required by section 518.14). A lack of specific findings on the statutory factors “is not fatal to an award where review of the order ‘reasonably implies’ that the district court considered the relevant factors and where the district court ‘was familiar with the history of the case’ and ‘had access to the parties’ financial records.’” *Geske*, 624 N.W.2d at 817 (quoting *Gully v. Gully*, 599 N.W.2d 814, 825-26 (Minn. 1999)).

In this case, the district court denied wife’s request for need-based attorney fees because it found that wife, if employed on a full-time basis, has the means to pay her own fees. On appeal, wife does not discuss any legal authority to support her position. Nor does wife explain how the district court abused its discretion in concluding that wife cannot establish the necessary statutory factors, especially when the district court allotted husband all of the party’s marital debts and analyzed wife’s needs in light her ability to work full-time. As noted above, a party forfeits appellate review through the absence of adequate legal analysis. *See State, Dep’t of Labor & Indus.*, 558 N.W.2d at 480. We decline to review the district court’s decision to deny wife’s request for need-based attorney fees.

Affirmed in part and remanded.