STATE OF MINNESOTA
IN COURT OF APPEALS
A21-1180

In re the Marriage of: Lisa Ranelle Appelhof, petitioner,
Respondent

vs.

Joseph Theodore Appelhof, Jr.,
Appellant.

Filed May 2, 2022
Affirmed
Larkin, Judge

Faribault County District Court
File No. 22-FA-20-240

Dean K. Adams, Adams, Rizzi & Sween, P.A., Austin, Minnesota (for respondent)

Joseph Theodore Appelhof, Jr., Minnesota Lake, Minnesota (pro se appellant)

Considered and decided by Connolly, Presiding Judge; Larkin, Judge; and Smith, Tracy M., Judge.

NONPRECEDENTIAL OPINION

LARKIN, Judge

In this appeal from a marital dissolution judgment and decree, appellant-husband challenges the district court's denial of spousal maintenance and its marital-property division. We affirm.

FACTS

In 2003, appellant Joseph Theodore Appelhof, Jr., (husband) married respondent Lisa Ranelle Appelhof (wife).[1] In 2021, the district court held a trial on wife's petition to dissolve the marriage. Each party was represented by counsel at trial. The district court filed a judgment and decree dissolving the marriage. The district court denied husband's request for spousal maintenance and divided the parties' marital property, which included federal stimulus funds. The district court found that wife had received federal stimulus funds totaling $5,200 and that she had agreed to give husband half.

Husband later tried to reopen the judgment and decree, arguing that wife failed to disclose savings and checking accounts and misrepresented her dental insurance. The district court denied husband's request. Husband appeals.

DECISION

Husband, a self-represented litigant, raises three issues. First, he challenges the district court's denial of spousal maintenance. Second, he challenges the marital-property division, specifically, the division of federal stimulus funds. Third, he argues that wife failed to disclose her receipt of a $24,560 payment from an insurer, which he asserts was intended to pay his medical bills.

We begin with the principles that govern our review. "The function of an appellate court is that of review. It does not exist for the purpose of demonstrating to the litigants through a detailed statement of the evidence that its decision is right." *Engquist v. Wirtjes*,

[1] Wife changed her name to Lisa Ranelle Olinger.

68 N.W.2d 412, 414 (Minn. 1955); *see In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 222 (Minn. 2021) (making a similar statement). We do not presume error; instead, the party seeking relief must identify error and show that it was prejudicial. *Midway Ctr. Assocs. v. Midway Ctr., Inc.*, 237 N.W.2d 76, 78 (Minn. 1975); *Horodenski v. Lyndale Green Townhome Ass'n, Inc.*, 804 N.W.2d 366, 372 (Minn. App. 2011); *see Braith v. Fischer*, 632 N.W.2d 716, 724 (Minn. App. 2001) (applying this aspect of *Midway* in a family law appeal), *rev. denied* (Minn. Oct. 24, 2001); *see also* Minn. R. Civ. P. 61 (requiring harmless error to be ignored).

An assignment of error based on mere assertion, unsupported by argument or authority, is forfeited and need not be considered unless prejudicial error is obvious on mere inspection. *Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971); *see State Dep't of Labor & Indus. v. Wintz Parcel Drivers, Inc.*, 558 N.W.2d 480, 480 (Minn. 1997) (declining to address an inadequately briefed question); *Brodsky v. Brodsky*, 733 N.W.2d 471, 479 (Minn. App. 2007) (applying *Wintz* in a family law appeal). Moreover, we are not a factfinding court, and we generally only consider issues presented to and considered by the district court. *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988); *Michaels v. First USA Title, LLC*, 844 N.W.2d 528, 532 (Minn. App. 2014); *see Lewis-Miller v. Ross*, 710 N.W.2d 565, 570 (Minn. 2006) (applying this aspect of *Thiele* in a family law appeal).

Although some accommodations may be made for self-represented litigants, we generally hold them to the same standards as attorneys and require them to comply with

court rules. *Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001). With those principles in mind, we turn to husband's claims of error.

Husband challenges the denial of his spousal-maintenance claim. A district court may award spousal maintenance if it finds that the spouse seeking maintenance lacks sufficient assets to provide that spouse with reasonable support or the spouse seeking maintenance is otherwise unable to support himself or herself. Minn. Stat. § 518.552, subd. 1 (2020). The threshold inquiry is whether the spouse seeking maintenance has demonstrated a "showing of need." *Curtis v. Curtis*, 887 N.W.2d 249, 252 (Minn. 2016). We review the district court's spousal-maintenance decision for a "clear abuse" of the district court's "broad discretion." *Dobrin v. Dobrin*, 569 N.W.2d 199, 202 (Minn. 1997). "A district court abuses its discretion by making findings of fact that are unsupported by the evidence, misapplying the law, or delivering a decision that is 'against logic and the facts on record.'" *Bender v. Bernhard*, 971 N.W.2d 257, 262 (Minn. 2022) (quoting *Dobrin*, 569 N.W.2d at 202).

Husband's single-page informal brief to this court does not identify any specific legal error relating to the district court's spousal-maintenance ruling. And husband fails to offer argument or legal authority to support his challenge. He simply asserts that the district court denied his maintenance request because of a "lack of medical or vocational evidence" and notes his "belie[f]" that the district court "did not review all medical reports presented." Absent more, the question of spousal maintenance is not properly before this court. *See Schoepke*, 187 N.W.2d at 135; *Wintz*, 558 N.W.2d at 480; *Brodsky*, 733 N.W.2d at 479. We therefore need not address it.

Were we to address the question, we would not grant husband relief. In denying husband's request for spousal maintenance, the district court reasoned that husband could meet his needs, in part, because he had received over $100,000 in legal-settlement proceeds. Our review of the record shows that the district court analyzed the issue of spousal maintenance by applying the law and factors set forth in the statute. And the record shows that the district court considered evidence of husband's physical injuries and ailments but did not find credible his claim that his injuries would render him unable to work. Determining the credibility of witnesses is the sole province of the factfinder. *Roy Matson Truck Lines, Inc. v. Michelin Tire Corp.*, 277 N.W.2d 361, 362 (Minn. 1979). In sum, we discern no obvious prejudicial error justifying appellate relief.

We next consider husband's challenge to the division of wife's federal stimulus funds. A district court "has broad discretion in evaluating and dividing property in a marital dissolution and will not be overturned except for abuse of [that] discretion." *Antone v. Antone*, 645 N.W.2d 96, 100 (Minn. 2002). We will not disturb the district court's factual findings unless they are clearly erroneous. *Id.*; *see Kenney*, 963 N.W.2d at 221-23 (discussing, in detail, the clear error standard of review). Husband argues that wife received $8,000 in stimulus funds and that he is entitled to half of that amount.

To the extent that husband contends in this court that wife failed to disclose assets, he forfeited that argument by not raising it before the district court. *Thiele*, 425 N.W.2d at 582; *see Lewis-Miller*, 710 N.W.2d at 570. To the extent that husband challenges the district court's factual findings, he has shown no clear error. Husband claims that "petitions" show that wife received "all three stimulus checks," for a total of $8,000, but

he does not identify the "petitions" to which he refers. Nor does he indicate that the district court received those "petitions" as evidence that could support a factual finding. *See Leiendecker v. Asian Women United of Minn.*, 848 N.W.2d 224, 230 (Minn. 2014) (noting that "mere allegations in a complaint are not evidence.").

The district court found that wife received federal stimulus funds totaling $5,200 and that she agreed to give husband half of those funds. The record supports those findings.[2] Wife testified that she received $5,200 in stimulus funds, one round of benefits totaling $2,400, and another round of benefits totaling $2,800. And she testified that husband was entitled to half of those funds.

Lastly, we consider husband's argument that wife failed to disclose a $24,650 insurance payment. That issue is not properly before this court because it was not raised and considered in the district court. *See Thiele*, 425 N.W.2d at 582; *Lewis-Miller*, 710 N.W.2d at 570. Again, we are not a factfinding court and cannot determine, for the first time on appeal, whether wife failed to make the disclosure as alleged by husband. *See Michaels*, 844 N.W.2d at 532.

[2] We note that the district court, in its conclusions of law, ordered wife to pay husband $3,200 as his share of the stimulus funds, despite a prior finding that wife received $5,200 and agreed to give husband $2,600, and a separate conclusion of law indicating that each party would receive $2,600. It is possible that the district court's reference to $3,200 is a clerical error. However, neither party raised that issue. Husband's sole argument is that wife received $8,000 in stimulus funds, and not $5,200 as the district court found. The record supports the district court's finding that wife received $5,200.

In sum, husband has not shown prejudicial error entitling him to relief from this court.

Affirmed.