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Minn. Stat. § 480A.08, subd. 3 (2010).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A11-1549**

County of Sacramento,
Petitioner,

Charlene E. Godown, petitioner,
Respondent,

County of Hennepin,
Respondent

vs.

Geoffrey J. Kullberg,
Appellant.

**Filed May 7, 2012
Affirmed
Halbrooks, Judge**

Hennepin County District Court
File No. 27-FA-10-8253

Michael O. Freeman, Hennepin County Attorney, Thomas L. Aarestad, Assistant County Attorney, Minneapolis, Minnesota (for respondent Hennepin County)

Geoffrey J. Kullberg, Minnetonka Beach, Minnesota (pro se appellant)

Considered and decided by Ross, Presiding Judge; Halbrooks, Judge; and Hudson,
Judge.

UNPUBLISHED OPINION

HALBROOKS, Judge

Appellant challenges the child-support magistrate's denial of his motion to contest a child-support judgment levy on his bank accounts. We affirm.

FACTS

Appellant Geoffrey Kullberg and respondent Charlene Godown are the parents of A.G., born on April 17, 1995. A child-support order was issued on March 5, 2004, by a court in California, where Godown was then residing. The California court ordered appellant to pay \$254 per month in child support. The California order was registered for enforcement in Hennepin County, where Godown now resides, on October 28, 2010. Pursuant to Minn. Stat. § 552.06 (2010), respondent Hennepin County served First National Bank of the Lakes with a notice of support-judgment levy on appellant's accounts on April 19, 2011, and served appellant by mail on April 22, 2011. Appellant, who had four bank accounts at First National Bank of the Lakes, was advised that his accounts had been seized due to a child-support arrearage of \$13,211.58.

In response, appellant did not claim an exemption under Minn. Stat. § 552.06, subd. 5, but he did bring a motion to contest the levy. Appellant filed his motion and served the county on the day of the scheduled hearing, May 24, 2011. The child-support magistrate (CSM) continued the hearing until May 27 so the county could serve Godown. The county served Godown on May 24. Following the May 27 hearing, the CSM ruled that appellant was time-barred from contesting the levy because Minn. Stat. § 552.06,

subd. 5(b), requires that the motion be filed and served within 30 calendar days of notice of the support-judgment levy. This appeal follows.

D E C I S I O N

Appellant contends that the CSM erred by denying his motion because he complied with the statutory requirements to contest the support-judgment levy. A party can bring a motion for review to either the CSM who issued the decision or to a district court judge. Minn. R. Gen. Pract. 376.03. A party can also appeal directly to this court. Minn. R. Gen. Pract. 378.01. But absent a motion for review to the CSM or the district court, this court is limited to “determining whether the evidence sustains the findings of fact and whether the findings support the conclusions of law and the judgment.” *Kahn v. Tronnier*, 547 N.W.2d 425, 428 (Minn. App. 1996), *review denied* (Minn. July 10, 1996). We review the CSM’s findings of fact using the clearly erroneous standard. *Id.* Whether appellant complied with the statute is a matter of statutory interpretation, which we review de novo. *Tousignant v. St. Louis Cnty.*, 615 N.W.2d 53, 58 (Minn. 2000).

A judgment debtor can contest a support-judgment levy if the seizure or the amount seized was improper. Minn. Stat. § 552.06, subd. 5(b)(1). The statute provides:

If the judgment debtor chooses to contest the withholding, within 30 calendar days of notice of support judgment levy, the debtor shall:

(i) file a motion with the court administrator, including in the motion the alleged mistake of fact or the basis for any claim that the funds are exempted from withholding;

(ii) obtain a hearing date from the court administrator;
and

(iii) serve the public authority, either personally or by fax, with a copy of the notice of motion and motion no later than two business days after obtaining a hearing date.

Id., subd. 5(b)(2).

Appellant argues that he should not be estopped from contesting the support-judgment levy because his documents were notarized on May 19 and a district court judge signed an order on May 20 that granted service on Godown. Appellant asserts that he was given inaccurate or incomplete information by a representative of the county family services. When a person decides to represent himself, he is generally held to the same standards as an attorney and must comply with court rules. *Black v. Rimmer*, 700 N.W.2d 521, 527 (Minn. App. 2005). And the May 20 order on its face states that “[t]he requesting party [appellant] shall provide a copy of the moving papers along with a copy of this order to the public authority [Hennepin County Human Services and Public Health, Child Support Division] named above.” Appellant failed to timely provide a copy to the county.

The notice of levy that the county sent appellant explained the statutory requirements to contest the action in plain terms. Nevertheless, appellant failed to comply with the first requirement of subdivision 5(b)(2). The county served appellant with notice of the levy on April 22. Appellant drafted a notice of motion, motion, and affidavit to contest the support-judgment levy that he signed before a notary public on May 19. But appellant did not file his motion until May 24, two days after the 30-day statutory deadline. Because appellant failed to comply with the statute, the CSM did not err by denying his motion.

Affirmed.