

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2022 ND 180

Kathy Schmidt,

Plaintiff and Appellant

v.

Margaret Hageness; Patrick Hageness;

Patricia Slaubaugh; Bonnie Strand;

Elaine Hornaday; and any unknown parties,

Defendants

and

Lutheran Social Services (LSS);

Guardian of Shirley M. Hageness;

Scott Landa Lutheran Social Services;

Eryn Jager Lutheran Social Services;

Diane Osland Lutheran Social Services,

Defendants and Appellees

No. 20220138

Appeal from the District Court of McKenzie County, Northwest Judicial District, the Honorable Robin A. Schmidt, Judge.

AFFIRMED.

Per Curiam.

Kathy Schmidt, Gilbert, AZ, self-represented, plaintiff and appellant.

Scott J. Landa, Grand Forks, ND, for defendants and appellees Lutheran Social Services as Guardian for S.M.H.; Eryn Jager and Diane Osland.

Lawrence E. King, Bismarck, ND, for defendant and appellee Scott J. Landa.

Schmidt v. Hageness, et al.
No. 20220138

Per Curiam.

[¶1] Kathy Schmidt appeals from a district court order dismissing her quiet title complaint based on lack of standing and res judicata. She argues the district court erred by rejecting a document labeled “warranty deed” as evidence of title. The same “warranty deed” was offered in *Schmidt v. Hageness*, 2022 ND 179 (*Schmidt I*), to support a quiet title in a different county. In that case we affirmed dismissal of Schmidt’s complaint based on standing and res judicata because invalidity of the proffered deed was adjudicated in *Matter of the Guardianship and Conservatorship of S.M.H.*, 2021 ND 104, 960 N.W.2d 811. In *S.M.H.*, at ¶ 23, we affirmed that the “warranty deed” relied on in both *Schmidt* complaints did not meet the requirements of N.D.C.C. §§ 47-10-01 and 47-10-05; therefore, she did not have a valid property interest and could not bring a quiet title action under N.D.C.C. § 32-17-01. For the reasons in *Schmidt I*, we summarily affirm here under N.D.R.App.P. 35.1(a)(7).

[¶2] Jon J. Jensen, C.J.
Daniel J. Crothers
Lisa Fair McEvers
Jerod E. Tufte
David W. Nelson, S.J.

[¶3] The Honorable David W. Nelson, S.J., sitting in place of VandeWalle, J., disqualified.