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Minn. Stat. § 480A.08, subd. 3 (2016).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A16-1201**

Mansoor Akhtar,
Appellant,

vs.

Anila Dairkee,
Respondent.

**Filed April 3, 2017
Affirmed
Kalitowski, Judge***

Hennepin County District Court
File No. 27-CV-15-17681

Mansoor Akhtar, Minneapolis, Minnesota (pro se appellant)

Anila Dairkee, Minneapolis, Minnesota (pro se respondent)

Considered and decided by Reilly, Presiding Judge; Hooten, Judge; and Kalitowski,
Judge.

* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to Minn. Const. art. VI, § 10.

UNPUBLISHED OPINION

KALITOWSKI, Judge

Mansoor Akhtar challenges the district court's determination that he is not entitled to damages for Anila Dairkee's disposal of his personal property because he had abandoned the property. We affirm.

FACTS

Akhtar lived rent free in the basement of Dairkee's duplex from 2012 to 2013. In December 2013, Dairkee asked Akhtar to move out, but he refused. Dairkee warned Akhtar that she was changing the locks and advised him to remove his property from the duplex. After she changed the locks, Dairkee called Akhtar on January 13, 2014, and left him a message asking that he remove his property from the duplex. She repeated her request at a January 2014 housing court hearing.¹ Akhtar never removed his property.

In November 2014, unbeknownst to Dairkee, Dairkee's father arranged to have the duplex's basement cleaned out, disposing of Akhtar's property in the process. Akhtar contacted Dairkee on March 8, 2015, and asked to retrieve his property. Dairkee informed Akhtar that she was staying in New York and that he could not pick up his property until she returned. When Dairkee returned, she learned that her father had disposed of Akhtar's property.

¹ Akhtar's housing court petition alleged that Dairkee unlawfully locked him out of the duplex. The housing court denied Akhtar's petition because he did not fit within the statutory definition of "residential tenant."

Akhtar sued Dairkee, alleging that she had wrongfully disposed of his property. After a conciliation court hearing, Akhtar filed a demand for removal to district court. The district court concluded that Akhtar had abandoned his property and therefore was not entitled to damages.

D E C I S I O N

I. The statute does not require Dairkee to provide written notice.

Akhtar argues that the district court misapplied the law because Dairkee was required to provide Akhtar with written notice before disposing of his personal property. The district court found that Dairkee asked Akhtar to remove his property twice, providing Akhtar with sufficient notice that his property had been abandoned.

We review questions of statutory interpretation *de novo*. *Lee v. Lee*, 775 N.W.2d 631, 637 (Minn. 2009). We review a district court’s factual findings for clear error and defer to its credibility determinations. *Rasmussen v. Two Harbors Fish Co.*, 832 N.W.2d 790, 797 (Minn. 2013); *Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988).

Minn. Stat. § 345.75 (2016) governs the abandonment of tangible personal property in this case. The statute requires the possessor of the abandoned property to provide notice “personally” to the prior owner before taking ownership of the property. Minn. Stat. § 345.75. *Black’s Law Dictionary* defines “personal notice” as “[o]ral or written notice, according to the circumstances, given directly to the affected person.” *Black’s Law Dictionary* 1228 (10th ed. 2014). Contrary to Akhtar’s assertion, the statute does not explicitly require written notice; it only requires personal notice. The record supports the

district court's finding that Dairkee asked Akhtar to collect his property twice: first by phone and then in person at the housing court hearing. The district court therefore did not err in finding that Dairkee had provided Akhtar with notice under Minn. Stat. § 345.75.

Akhtar also argues on appeal that the district court erred in finding that his bicycle and television had been removed from the basement before the lockout. Because the district court found that Akhtar had abandoned all of his property, we need not address this issue.

II. The district court did not abuse its discretion in admitting Dairkee's phone bills and documentation of Akhtar's prior lawsuits.

Akhtar argues that the district court abused its discretion in admitting into evidence Dairkee's phone bills and a document listing Akhtar's prior lawsuits because Dairkee did not follow the district court's instructions to send evidence to the district court before the hearing.

We review a district court's admission of evidence for an abuse of discretion. *Kroning v. State Farm Auto. Ins. Co.*, 567 N.W.2d 42, 45-46 (Minn. 1997). We disregard harmless error. Minn. R. Civ. P. 61. The admission of evidence that is corroborated by other competent evidence is harmless. *George v. Estate of Baker*, 724 N.W.2d 1, 9 (Minn. 2006). "A party failing to raise objection to the admission of evidence generally waives later challenges to the evidence." *Town of Forest Lake v. Minn. Mun. Bd.*, 497 N.W.2d 289, 290 (Minn. App. 1993), *review denied* (Minn. Apr. 29, 1993).

Because at trial Akhtar stated that he had no objection to the admission of the phone bills, he has waived his right to challenge their admission on appeal. *See id.* Akhtar,

however, objected to admission of the documentation of his lawsuits as irrelevant. The district court responded by excluding the parts of the document not related to the present case, admitting only the parts related to the housing court case, the conciliation court case, and the district court case. Because Akhtar does not cite an evidentiary rule barring admission of this evidence, the decision to admit the evidence was within the district court's discretion. *See Kroning*, 567 N.W.2d at 45-46. Moreover, even if the district court abused its discretion in admitting evidence of Akhtar's prior lawsuits, any error was harmless because the testimony of Akhtar and Dairkee corroborates the three matters that the district court did not exclude. *See George*, 724 N.W.2d at 9; Minn. R. Civ. P. 61.

We conclude that the district court did not abuse its discretion in admitting either Dairkee's phone bills or the documentation of Akhtar's lawsuits.

III. Akhtar's conciliation court arguments are not within our scope of review.

Akhtar argues that the conciliation court prevented him from presenting his case. Our scope of review is limited to the order from which the appeal is taken. Minn. R. Civ. App. P. 103.04; *see also Bahr v. Boise Cascade Corp.*, 766 N.W.2d 910, 917-19 (Minn. 2009) (discussing the reach of Minn. R. Civ. App. P. 103.04). An aggrieved party may remove a case from conciliation court to district court for a trial de novo. Minn. R. Gen. Pract. 521(a). When a district court tries a case de novo, it tries the case "as if it had not been tried before." *Stronge & Lightner Co. v. Comm'r of Taxation*, 228 Minn. 182, 195, 36 N.W.2d 800, 807 (1949). Here, because the district court conducted a trial de novo, the conciliation court hearing did not affect the district court's judgment, and any errors in the

conciliation court proceeding are not within our scope of review. *See* Minn. R. Civ. App. P. 103.04.

Affirmed.