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**STATE OF MINNESOTA
IN COURT OF APPEALS
A18-1439**

Eric D. Humphreys, et al.,
Respondents,

Ann Humphreys Sellers,
Respondent,

vs.

Janet Humphreys Krasner,
Appellant.

**Filed June 10, 2019
Affirmed; motion denied
Hooten, Judge**

St. Louis County District Court
File No. 69VI-CV-12-1010

Bryan M. Lindsay, Scott C. Neff, The Trenti Law Firm, Virginia, Minnesota (for
respondents Eric and Paul Humphreys)

Ann E. Sellers, Reading, Pennsylvania (pro se respondent)

Janet H. Krasner, Ely, Minnesota (pro se appellant)

Considered and decided by Cleary, Chief Judge; Hooten, Judge; and Stauber,
Judge.*

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

UNPUBLISHED OPINION

HOOTEN, Judge

In an appeal from a partition action, appellant challenges the district court's orders for an appraisal and approval of the sale of real property owned by appellant and her siblings. She argues that the district court did not have subject-matter jurisdiction to issue the orders and that both the referee in charge of the sale and respondents' attorney should have recused themselves due to conflicts of interest. We affirm.

FACTS

Pro se appellant Janet Humphreys Krasner and her siblings Eric Humphreys, Paul Humphreys and Ann Humphreys Sellers own real property on Lake Vermilion in St. Louis County. A dispute between the siblings led to Eric, Paul, and Ann commencing a partition action against Krasner in October 2012. In May 2013, upon the parties' stipulations, the district court ordered that the property be appraised and sold at private sale pursuant to Minn. Stat. § 558.14 (2018). The district court initially appointed S.A. to be the referee in charge of the sale. But it later appointed G.H. to be the referee. Additionally, the district court found that \$235,000 was a reasonable initial listing price for the property and that it had a fair market value of not less than \$200,000. The property was listed for sale, but over the following three years, no offers to purchase the property were received despite the listing price being reduced three times.

At some point, Krasner brought an action against her brothers Eric and Paul, referee G.H., her brothers' attorney Scott Neff, and others. The action made claims of waste, negligence, diminution of property, "contract tort," pain and suffering, and more. The

district court granted summary judgment in favor of the defendants on the claims. It also granted the defendants' motion for rule 11 sanctions against Krasner, ordering "that Krasner shall not file any motions in the partition action or bring any additional claims unless she has a licensed attorney sign a Minnesota Rules of Civil Procedure 11.01 acknowledgment or obtains prior court approval to file the motion or claim." *Krasner v. Hoffman*, No. A17-1733, 2018 WL 6442164 at *2 (Minn. App. Dec. 10, 2018). Krasner separately appealed both the summary judgment and sanction rulings in November and December 2017, and we consolidated the issues into one appeal. *See id.* at 1–2.

A decision on this consolidated appeal was not issued until December 10, 2018. *Id.* at *1. While the consolidated appeal was pending, the district court issued the two orders that Krasner is now appealing. The first came on May 22, 2018. Respondents Eric and Paul Humphreys had moved the district court to approve the private sale of the property for \$125,000—well below the \$235,000 initial asking price approved in 2013—to two neighbors who lived near the property. Krasner and her sister Ann opposed the sale. The district court noted that \$125,000 was a significant drop in price and below the previously-appraised value of the property. And it explained that under Minn. Stat. § 558.17 (2018), real property sold at private sale cannot be sold for less than its appraised value. But the court also noted that the county had lowered the assessed value of the property to \$139,900. So it ordered new appraisals to ascertain the property's current market value before deciding whether to approve or deny the sale. Two appraisals were submitted in late June.

The second order came on August 9, 2018 and addressed the respondent-brothers' motion to approve the sale of the property. The district court explained that the two

independent appraisals indicated a market value of \$123,000 and \$132,500 respectively for the property. It found these appraisals credible and found the property's "reasonable market value" to be in that range. The district court also noted that Krasner had tendered a purchase agreement seeking to purchase the property for \$145,000, but that her brothers opposed the sale on the basis that they did not believe she actually meant to close on the sale. The district court found that if Krasner was not able to close on the property, then it would be in the best interests of the parties that it be sold for \$125,000 to the two neighbors. Accordingly, the district court approved the sale to Krasner, but gave her until September 15, 2018 to close on the sale. The district court also approved the sale to the two neighbors in the event that Krasner was unable to close. This appeal follows.

D E C I S I O N

Krasner makes three principal arguments on appeal. First, she claims that the district court did not have jurisdiction to issue the May 22 and August 9 orders. Second, she asserts that the district court erred by not requiring G.H. to recuse himself due to a conflict of interest. And third, she argues that her brothers' attorney also should have been required to recuse himself due to a conflict of interest. We address each argument in turn.

I. Jurisdiction

Krasner emphasizes throughout her brief that "the underpinning of this appeal and the backbone of all of the other legal arguments that comprise it, is that appellant believes that the trial court did not have jurisdiction to hear this matter and issue subsequent orders." Whether a district court has subject-matter jurisdiction is a legal question that we review *de novo*. *Zweber v. Credit River Twp.*, 882 N.W.2d 605, 608 (Minn. 2016).

Krasner specifically argues that the district court did not have jurisdiction to order appraisals of the property on May 22 and the sale of the property on August 9 because her appeal in *Hoffman*, 2018 WL 5442164, was still pending at the time. Krasner cites to Minn. R. Civ. App. P. 108.01 in support of her argument. This rule states that “the filing of a timely and proper appeal suspends the [district] court’s authority to make any order that affects the order or judgment appealed from, [but] the [district] court retains jurisdiction as to matters independent of, supplemental to, or collateral to the order or judgment appealed from.” Minn. R. Civ. App. P. 108.01, subd. 2.

The question is this: how related is the present partition matter to the issues on appeal in *Hoffman*—summary judgment dismissing Krasner’s tort claims and the rule 11 sanctions against Krasner? “[A]n order does not necessarily affect the order on appeal if it involves a new set of facts and does not require the district court to consider the merits of the issue on appeal.” *Perry v. Perry*, 749 N.W.2d 399, 403 (Minn. App. 2008). Put another way, a matter before a district court can be independent from a matter on appeal if the district court “need not reconsider the merits of the issue on appeal to reach conclusions regarding” the matter before it. *In re Thulin*, 660 N.W.2d 140, 143 (Minn. App. 2003) (explaining the reasoning in *Spaeth v. City of Plymouth*, 344 N.W.2d 815 (Minn. 1984)).

The civil action at issue in *Hoffman* was a wholly different case from the partition action at issue here, and some of the respondents in *Hoffman* are not parties in this case. Additionally, Krasner’s tort claims and the question of summary judgment have no bearing on whether the property should be appraised and sold. The rule 11 sanctions against Krasner are relevant to the extent that they affect her ability to file new motions in the

partition case. But the question of whether those sanctions are appropriate has no bearing on the substance of the issues that were before the district court: whether it should order appraisals and whether a sale is appropriate. Accordingly, we conclude that the issues of the appraisals and the sale of the property are unrelated to the issues on appeal in *Hoffman* for the purposes of Minn. R. Civ. App. P. 108.01, subd. 2. The district court therefore had the necessary subject-matter jurisdiction to issue its May 22 and August 9 orders.

II. Referee G.H.

Krasner next argues that the district court erred by not requiring the referee, G.H., to recuse himself from the partition action due to a conflict of interest. Krasner asserts that this conflict of interest arose when she sued G.H. in the *Hoffman* case for an incident involving work he had ordered done on the property.¹ And she claims that he “had an obligation to recuse himself” because he could no longer remain neutral in the partition matter. But Krasner cites to no authority supporting her assertion that there was a conflict of interest. This argument is therefore forfeited. *See State v. Bursch*, 905 N.W.2d 884, 889 (Minn. App. 2017) (“Arguments are forfeited if they are presented in a summary and conclusory form, do not cite to applicable law, and fail to analyze the law when claiming that errors of law occurred.”). Even if her argument were not forfeited, it would still fail because Krasner has not alleged or shown that G.H.’s supposed conflict of interest caused a reduction in the sale price of the property or that she was otherwise harmed.

¹ She claims that G.H. is responsible for “extensive damages to the property which occurred as result of his contracting of [L.K.], a minor, to chainsaw down both live and dead trees . . . on the property, which were never properly disposed of.”

III. Attorney Neff

Krasner also argues that the district court erred by allowing her brothers' attorney, Scott Neff, to participate in the partition matter because he too had a conflict of interest arising out of his status as a defendant in the *Hoffman* case. She cites to no authority explaining why opposing counsel being a defendant in a separate action would have a conflict of interest requiring recusal, so her argument is forfeited. *See Bursch*, 905 N.W.2d at 889.

But Krasner's argument would fail even if it were not forfeited. She argues that the recusal was required not because the conflict of interest would affect her, but rather because attorney Neff is "unable to act in the benefit of his clients"—her brothers. "Standing is the requirement that a party has a sufficient stake in a justiciable controversy to seek relief from a court." *State by Humphrey v. Philip Morris Inc.*, 551 N.W.2d 490, 493 (Minn. 1996). "Standing is acquired in two ways: either the plaintiff has suffered some injury-in-fact or the plaintiff is the beneficiary of some legislative enactment granting standing." *Id.* (quotation omitted). Krasner cites to no legislative enactment granting her standing, and it would appear that any potential injury in fact stemming from this supposed conflict of interest would affect her brothers, not her. Thus, she lacks standing to make this argument.²

² Krasner also argues that G.H.'s attorney, P.R., should "be held accountable for interfering in matters in which he never entered his appearance" and that we should void the conveyance of the property to the two neighbors. But the events she complains of happened after the August 9 order and are not properly before us.

IV. Motion to Delay Non-Oral Conference

Krasner filed a motion the day prior to the scheduled non-oral conference on her case, asking that the conference be delayed by a month so that the parties may submit additional filings. Respondents Eric and Paul Humphreys opposed the motion. Krasner appears to have filed this motion because she was unable to serve respondents with her reply brief. We have already granted Krasner's motions to accept her initial brief though it was late and to extend the deadline for her reply brief. We see no reason to allow for additional filings in this case and deny her motion.

Affirmed; motion denied.