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**STATE OF MINNESOTA
IN COURT OF APPEALS
A19-1339**

In re the Marriage of:
Gregory Joseph Parnell, petitioner,
Respondent,

vs.

Christine Melanie Parnell,
Appellant.

**Filed March 9, 2020
Affirmed
Cleary, Chief Judge**

Washington County District Court
File No. 82-FA-15-4676

Beau D. McGraw, McGraw Law Firm, P.A., Lake Elmo, Minnesota (for respondent)

Christine Parnell, St. Paul, Minnesota (pro se appellant)

Considered and decided by Cleary, Chief Judge; Larkin, Judge; and Florey, Judge.

U N P U B L I S H E D O P I N I O N

CLEARY, Chief Judge

On appeal from the district court's denial of her request for spousal maintenance, appellant-wife argues that: (1) she did not receive notice of a hearing from her attorney and therefore was unable to offer evidence; (2) the district court erred in calculating respondent-

husband's income and ability to pay spousal maintenance; and (3) she did not receive a vehicle awarded to her in the dissolution judgment. We affirm.

FACTS

Appellant-wife Christine Melanie Parnell married respondent-husband Gregory Joseph Parnell in 1996. The parties have one child, born in 2009. In 2015, husband petitioned for dissolution of the marriage.

At the time of trial, wife was unemployed and husband worked for a railroad company. He did not testify on his wage amounts but submitted tax documents and earnings statements. The district court found that husband earned a gross monthly income of \$5,955, had a net monthly income of \$5,340, and had monthly expenses of \$5,357. The court found that wife had reasonable monthly expenses of \$2,060 and the potential to earn \$1,254 per month. The court awarded wife \$1,000 in permanent monthly spousal maintenance, granted husband sole custody of the child, and ordered wife to pay \$589 in monthly child support.

Husband appealed the maintenance award, and in an unpublished opinion we reversed and remanded, concluding that the district court failed to make sufficient findings to permit review. *Parnell v. Parnell*, No. A18-0135, 2019 WL 178472, at *3 (Minn. App. Jan. 14, 2019). We found three deficiencies: (1) the district court failed to make a finding as to whether husband's monthly expenses were reasonable; (2) the court failed to explain why spousal maintenance should be permanent; and (3) "the district court made no findings as to why an award that leaves husband with a \$1,017 monthly deficit is just." *Id.* at *2.

We remanded for the district court “to make appropriate findings or to reconsider its award of maintenance,” and we permitted the district court to reopen the record. *Id.* at *3.

On February 15, 2019, the district court held a review hearing to address the remand. Wife failed to appear. Six days later, the district court filed an order reopening the record and permitting the parties to submit additional affidavits and exhibits by March 15, 2019, and additional memoranda by March 29. Any exhibits were to be “properly supported by sworn affidavit(s).” The district court indicated that it would not address any issues beyond those identified by this court. Husband did not submit additional evidence, and wife submitted only a notarized letter. She raised numerous arguments in her letter, including that she did not receive a truck awarded to her in the divorce, and that husband’s annual income was \$104,567 based upon a 2016 quarterly pay stub.

In June 2019, the district court filed an amended judgment and decree. The court concluded that the issues raised in wife’s letter were beyond the scope of the remand. The court found that husband has reasonable monthly expenses of \$5,357, monthly net income of \$5,340, and monthly gross income of \$5,955. The court found that wife has reasonable monthly expenses of \$2,060 and an imputed gross monthly income of \$1,254. The court removed the award of spousal maintenance and reserved the issue of child support. This appeal followed.

D E C I S I O N

Wife raises three discernable arguments: (1) she did not receive notice of a hearing from her attorney, causing her to miss her opportunity to offer additional evidence; (2) the

district court erred in calculating husband's income and ability to pay spousal maintenance; and (3) she did not receive a vehicle awarded to her in the decree.

I.

Wife argues that she did not receive notice from her former attorney regarding the review hearing, which deprived her of the ability to offer additional evidence concerning her medical issues. For two reasons, this argument is unavailing.

First, wife failed to raise the argument to the district court, and the district court did not substantively address the issue. The district court noted in its February 2019 order that notice of the hearing was mailed to wife's former attorney. This *suggests* that wife did not receive notice of the hearing, but it is not conclusive. Determining whether wife received notice requires further factfinding, and we are not a factfinding court. *Berc v. Berc*, 407 N.W.2d 131, 135 (Minn. App. 1987). The issue is not properly before us. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (declining to address issues not raised to and addressed by district court).

Second, assuming *arguendo* that wife received deficient notice of the review hearing, the record indicates that the deficiency was cured and did not affect wife's ability to offer additional evidence. *See Midway Ctr. Assocs. v. Midway Ctr., Inc.*, 237 N.W.2d 76, 78 (1975) (stating that, absent prejudice, error is not ground for reversal). The record indicates that on February 28, 2019, the district court mailed a notice to wife of the review-hearing order, which contained the deadlines for submission of additional evidence. Indeed, on March 18, 2019, wife filed her letter with the district court, a clear indication that she was aware of the deadlines.

II.

Wife next argues that the district court erred in calculating husband's income. We examine a district court's award of spousal maintenance for an abuse of discretion. *Curtis v. Curtis*, 887 N.W.2d 249, 252 (Minn. 2016). A district court abuses its discretion if its findings of fact are unsupported by the record. *Dobrin v. Dobrin*, 569 N.W.2d 199, 202 (Minn. 1997). "A district court's determination of income for maintenance purposes is a finding of fact and is not set aside unless clearly erroneous." *Melius v. Melius*, 765 N.W.2d 411, 414 (Minn. App. 2009) (quotation omitted). We review the record in the light most favorable to the district court's findings. *Vangsness v. Vangsness*, 607 N.W.2d 468, 472 (Minn. App. 2000).

Here, the district court's findings concerning husband's income are "within a reasonable range of figures" and sufficiently supported by the record. *Schreifels v. Schreifels*, 450 N.W.2d 372, 373 (Minn. App. 1990) (quotation omitted). Husband's 2016 W-2 shows total taxable wages of \$71,455.07, which equates to average monthly taxable wages of \$5,954.59, in line with the \$5,955 in gross-monthly wages found by the district court. Husband's August 31, 2017, earnings statement shows year-to-date federal taxable wages of \$59,246.03, suggesting monthly taxable wages of \$7,405.75, but his year-to-date net pay is listed as \$37,086.16, which suggests monthly net pay of \$4,635.77, below the \$5,340 found by the district court. Husband testified at trial that he earned monthly rental income of \$650. This \$650, combined with the \$4,635.77 in monthly net pay, totals \$5,285.77, in line with the \$5,340 found by the district court.

III.

Lastly, wife argues that she did not receive the “Silverado Truck” that she was awarded. Wife was awarded the “2000 Chevrolet Silverado” in the divorce decree. Although wife raised the issue of the truck in her March 2019 letter to the district court, the district court concluded that the truck was “outside the scope” of those issues to be addressed on remand. The district court did not err in this regard. We remanded “to permit the district court to consider and to make findings of fact regarding the relevant statutory maintenance factors,” not to consider enforcement of the decree’s property division. *Parnell*, 2019 WL 178472, at *3. This should not be taken as an indication that wife cannot, in the future, seek possession of the truck, her duly awarded property, through an appropriate action.

Affirmed.