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Minn. Stat. § 480A.08, subd. 3 (2018).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A19-1372**

Washington County CDA,
Respondent,

vs.

Evelyn Baker,
Defendant,

Anna Baker,
Appellant.

**Filed June 8, 2020
Affirmed
Larkin, Judge**

Washington County District Court
File No. 82-CV-19-3764

Christopher T. Kalla, Douglass E. Turner, Hanbery & Turner, P.A., Minneapolis,
Minnesota (for respondent)

Anna Baker, Cottage Grove, Minnesota (self-represented appellant)

Considered and decided by Connolly, Presiding Judge; Larkin, Judge; and Cochran,
Judge.

UNPUBLISHED OPINION

LARKIN, Judge

Appellant challenges the district court's issuance of a writ of recovery and order to vacate a residential rental property. We affirm.

FACTS

On August 1, 2019, respondent Washington County CDA (landlord) filed an eviction complaint against appellant Anna Baker (Baker) and her mother, Evelyn Baker. The complaint alleged that the Bakers had failed to vacate rental property owned by landlord after Baker's mother, who was the sole tenant listed in the underlying lease agreement, "entered [into] a Promise to Vacate," in which she "agreed to vacate the premises by noon on July 30, 2019."¹ Landlord attached a copy of an "Extension of Termination of Lease and Promise to Vacate Agreement" to the complaint. The agreement states that on February 14, 2019, landlord notified Baker's mother that her lease would terminate and that she had to vacate the property by noon on April 30, 2019, that counsel for Baker's mother contacted landlord and negotiated a two-month extension of the date to vacate, that landlord ultimately agreed to extend the date to vacate to July 30, 2019, and that Baker's mother, "with the advice and input of counsel," agreed to vacate the property

¹ Although Baker's mother was the only tenant identified in the lease, the record indicates that Baker was living at the property and that her presence was one of the reasons for the eviction.

by July 30, 2019. Baker's mother and counsel for landlord signed the agreement. Neither Baker nor Baker's mother submitted an answer to the eviction complaint.²

On August 21, following an eviction trial, the district court found that landlord had given the Bakers proper notice to vacate the rental property and that the Bakers had failed to comply. The district court entered judgment for landlord. On August 29, Baker appealed the eviction judgment.³

On August 30, the district court stayed issuance of the writ of recovery pending appeal and scheduled a hearing regarding the appropriate amount of an appeal bond. On September 17, the district court vacated the stay pending appeal and ordered landlord to post a bond in the amount of \$1,870, reasoning that, under Minn. Stat. § 504B.371, subd. 7 (2018), because the Bakers were holdover tenants, the district court could issue a writ for recovery of the premises notwithstanding Baker's appeal if landlord posted a sufficient bond to pay potential costs and damages. The district court issued a writ of recovery and order to vacate, which were served on the Bakers on September 26, 2019.

On September 30, Baker moved this court for relief from the district court's September 17, 2019 order. On October 1, a special-term panel of this court denied Baker's motion. This court also denied Baker's motion to reconsider its October 1, 2019 order, reasoning that such a motion was unauthorized. *See* Minn. R. Civ. App. P. 140.01 (stating that no petition for rehearing shall be allowed in the court of appeals).

² Baker's participation in the underlying eviction proceeding and this appeal has at all times been as a self-represented litigant.

³ Baker's mother did not appeal the eviction judgment.

On October 27, Baker moved the district court to either increase landlord's bond or allow the Bakers to recover the premises pending appeal. On November 12, the district court increased the amount of landlord's bond by \$935 per month. On November 19, Baker moved this court for relief from the district court's November 12 bond order, arguing that the amount of the bond was insufficient. On December 3, a special-term panel of this court denied Baker's motion and later denied her motion for reconsideration of that decision, again noting that such a motion was unauthorized.

DECISION

Before addressing Baker's assertions of error, we note the principles that govern this court's review. First, "[a] reviewing court must generally consider only those issues that the record shows were presented and considered by the [district] court in deciding the matter before it." *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (quotation omitted). Although some accommodations may be made for self-represented litigants, they are generally held to the same standards as attorneys. *Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001). Thus, an appellant who was not represented by counsel in the district court must properly preserve issues for review.

Second, the record on appeal consists of "[t]he documents filed in the [district] court, the exhibits, and the transcript of the proceedings, if any." Minn. R. Civ. App. P. 110.01. "It is well settled that an appellate court may not base its decision on matters outside the record on appeal, and that matters not produced and received in evidence below may not be considered." *Plowman v. Copeland, Buhl & Co.*, 261 N.W.2d 581, 583 (Minn. 1977). "An appellant has the burden of providing an adequate record for appeal." *Custom*

Farm Servs., Inc. v. Collins, 238 N.W.2d 608, 609 (Minn. 1976). Baker did not provide a transcript of the eviction trial. This court therefore cannot resolve any issues that require a transcript of that trial. *See id.* (“Because of the absence of a transcript of the district court proceedings, we cannot consider two of [appellant’s alleged errors].”).

Third, “on appeal error is never presumed. It must be made to appear affirmatively before there can be reversal. . . . [T]he burden of showing error rests upon the one who relies upon it.” *Loth v. Loth*, 35 N.W.2d 542, 546 (Minn. 1949) (quotation omitted). “An assignment of error based on mere assertion and not supported by any argument or authorities in appellant’s brief is waived and will not be considered on appeal unless prejudicial error is obvious on mere inspection.” *State v. Modern Recycling, Inc.*, 558 N.W.2d 770, 772 (Minn. App. 1997) (quotation omitted).

With these principles in mind, we turn to the issues raised in this appeal.

I.

A landlord may recover possession of rented property by eviction when “any tenant at will holds over after the termination of the tenancy by notice to quit.” Minn. Stat. § 504B.285, subd. 1(a)(3) (2018). When reviewing a district court’s eviction decision, this court reviews its factual findings for clear error and its legal conclusions de novo. *Nationwide Hous. Corp. v. Skoglund*, 906 N.W.2d 900, 907 (Minn. App. 2018), *review denied* (Minn. Mar. 28, 2018).

Baker generally contends that the district court erred by entering the eviction judgment for landlord. The majority of Baker’s assertions of error pertain to Baker’s

mother.⁴ For example, Baker argues that the May 28, 2019 “Agreement to Vacate was signed under duress [by her mother], by . . . threats from [landlord’s attorney], and [due to] lack of Competence by [Baker’s mother’s] attorney” and that landlord denied Baker’s mother a reasonable accommodation under the Fair Housing Act and the Minnesota Human Rights Act.

For the protection of the public, the Minnesota Supreme Court limits the practice of law to licensed attorneys. *In re Conservatorship of Riebel*, 625 N.W.2d 480, 481 (Minn. 2001). “Although a person who is not a licensed attorney may represent [herself] in court, [she] may not represent others.” *Id.*; see Minn. Stat. § 481.02, subd. 1 (2018) (proscribing the unauthorized practice of law).

Baker does not cite authority supporting her attempt to raise issues on her mother’s behalf. Nor does she cite authority that would permit her, as a nonlawyer, to represent her mother in this appeal. *Cf. Riebel*, 625 N.W.2d at 483 (concluding that a nonlawyer with the power-of-attorney for a person could not represent that person in court). Because Baker has failed to establish that she is permitted to present arguments on her mother’s behalf and we are not aware of authority that allows her to do so, we reject those arguments. And because Baker has otherwise failed to show that the district court erred in entering judgment of eviction for landlord, we affirm the district court’s judgment.

⁴ Many of Baker’s other assertions of error lack supporting legal argument and are unexplained. For example, Baker discusses her treatment in a separate child-protection case involving her children without explaining the relevance of those circumstances. Because Baker has not provided a transcript of the eviction trial, it is unclear whether Baker explained the relevance of such issues in district court.

II.

Baker challenges the district court's September 17, 2019 and November 12, 2019 appeal-bond orders and requests "Reversal/Dismissal" of those orders and "Recovery of All Costs, plus Damages."

Once again, Baker moved this court for relief from those appeal-bond orders. On October 1, 2019, and December 3, 2019, special-term panels of this court denied Baker's motions for relief. This court also denied Baker's motions for reconsideration.

"No petition for rehearing shall be allowed in the Court of Appeals." Minn. R. Civ. App. P. 140.01. That rule forecloses reconsideration of an issue that a special-term panel has decided prior to considering the merits of an appeal. *See In re Estate of Sangren*, 504 N.W.2d 786, 788 n.1 (Minn. App. 1993) (declining to consider an issue previously addressed by this court at special term), *review denied* (Minn. Oct. 28, 1993). We therefore do not reconsider this court's prior special-term orders reviewing the challenged district court orders.

Affirmed.