STATE OF MINNESOTA
IN COURT OF APPEALS
A23-0889

In re the Marriage of: Ritesh Singh, petitioner,
Appellant,

vs.

Rina Singh,
Respondent.

Filed January 29, 2024
Affirmed
Ede, Judge

Becker County District Court
File No. 03-FA-20-1370

Ritesh Singh, Detroit Lakes, Minnesota (pro se appellant)

Michael L. Gjesdahl, Gjesdahl Law, P.C., Fargo, North Dakota (for respondent)

Considered and decided by Bjorkman, Presiding Judge; Worke, Judge; and Ede, Judge.

NONPRECEDENTIAL OPINION

EDE, Judge

In this family law appeal from the district court's amended findings of fact, conclusions of law, order for judgment, and judgment following remand, appellant argues that the district court did not follow our remand instructions by erroneously valuing certain marital assets, resulting in an unjust and inequitable distribution of the marital estate.

Because the district court followed our remand instructions and did not abuse its discretion in valuing and distributing marital property, we affirm.

FACTS

This case is before our court for the second time. *See Singh v. Singh*, No. A21-1608, 2022 WL 16730587 (Minn. App. Nov. 7, 2022). Because the prior appeal is interrelated with the issues now before us, we begin with a review of the procedural background.

Underlying Dissolution Proceedings

In May 2005, the parties married in Nepal. The parties later moved to Minnesota. Appellant Ritesh Singh petitioned for dissolution of the marriage in July 2020. Following a court trial, the district court filed findings of fact, conclusions of law, and an order for judgment, and entered a judgment and decree of dissolution of the marriage. Regarding the parties' two children, the district court granted joint legal and physical custody to the parties, and the court ordered the children's primary residence to be with respondent Rina Singh. The district court also awarded respondent $6,000 per month in spousal maintenance for 15 years.

In addition, the district court determined that the parties' marital assets included: the marital home in Detroit Lakes, Minnesota, which was valued at $323,700 (Homestead #1); another residence in Detroit Lakes, Minnesota (Homestead #2); and a residence in Nepal, which was valued at $215,658. The district court did not assign a value to Homestead #2.

The district court awarded appellant Homestead #2 and the Nepal home, and the court awarded respondent the net proceeds of Homestead #1. More specifically, the district court ordered the sale of Homestead #1 at fair market value and awarded respondent the proceeds of that sale, less payment of marketing costs, secured loans, outstanding taxes, and insurance. The district court also ordered that appellant remit to respondent $35,000 as a property distribution payment.

First Appeal

Appellant appealed, challenging the district court's custody determination, division of property, and spousal maintenance award. Among his other contentions, appellant argued that there was no evidence supporting the district court's findings underlying its legal determination that the Nepal home was marital property.

In a nonprecedential opinion, we held that the district court's findings regarding the Nepal residence were insufficient to allow appellate review. *See Singh*, 2022 WL 16730587, at *7. We found that it was "undisputed that appellant's mother acquired the house in Nepal, at least in part, with funds originating with the parties." *Id.* at *4. But we also determined that the divorce decree "[did] not address whether the transfers of those funds to appellant's mother were merely loans or were gifts." *Id.* We explained that, in determining that the parties had an interest in the Nepal residence, "the district court made no findings on the credibility of the testimony addressing whether the money provided to appellant's mother was a gift[,]" and the district court did not "address whether any interest either or both parties may have in the Nepal house is marital or nonmarital property." *Id.* at *5. Thus, we affirmed the district court's judgment in part and "remand[ed] for further findings on the parties' interest in the Nepal home[,] . . . leav[ing] to the district court's discretion whether soliciting additional evidence is necessary to make those findings, and whether the resulting findings require reapportionment of marital property or reevaluation of the maintenance award." *Id.* at *7 (footnote omitted).

Proceedings on Remand

On remand, the district court held a status conference to determine whether an evidentiary hearing was necessary to reopen the record, ultimately ruling that the record was sufficient without soliciting additional evidence. The district court took the matter under advisement after receiving written briefs from the parties regarding the Nepal home and the distribution of marital property.

Based on the record, the district court filed an order amending the findings of fact and conclusions of law, and the court directed entry of an amended judgment, which the court then filed. The district court determined that appellant had gifted rather than loaned funds to his mother to purchase the Nepal home and that respondent had not objected. As a result, the district court concluded that it should not have counted the Nepal residence among the parties' marital assets and that the property was outside the district court's jurisdiction.

Turning to an analysis of the marital property distribution, the district court relied on two exhibits submitted by appellant to assign a value of "somewhere between $378,521 and $410,000" to Homestead #2. Considering the marital estate in light of that valuation and without the Nepal home, the district court again awarded appellant Homestead #2 and respondent Homestead #1, reasoning:

> Factoring in the appraisal value of Homestead #2, the marital property distribution still *strongly favors* [appellant] "as-is." It would be unjust and inequitable to make [respondent] pay back

> the property settlement funds given her limited financial means, the fact that she is in school, and actively seeking gainful employment to support her family.

(Emphasis added). The district court therefore found "no compelling reason to deviate from an equal distribution of marital assets[,]" and declined to amend the spousal maintenance award.

This appeal follows.

DECISION

Appellant argues that, on remand, the district court failed to follow our instructions by incorrectly valuing the marital estate, specifically as to its analysis of Homestead #2. Appellant also asserts that the district court's decision to maintain the status quo distribution of marital assets after determining that it should not have included the Nepal home within the parties' marital estate resulted in an unjust and inequitable division of property. We are not persuaded.

As an initial matter, we conclude that the district court followed our instructions on remand. We instructed the district court to make further findings on the parties' interest in the Nepal residence, deferring to the district court's discretion whether to receive further evidence and whether to reapportion marital property or reevaluate the maintenance award. *See Singh*, 2022 WL 16730587, at *7. At the status conference following remand, the district court exercised its discretion to rule that the existing record was sufficient without additional evidence. In the district court's amended findings of fact, conclusions of law, order for judgment, and the amended judgment entered on remand, the court made further findings on the parties' interest in the Nepal home and exercised its discretion not to reapportion marital property or to reevaluate the maintenance award. Although appellant may disagree with the district court's decision, the record defeats his claim that the district court did not follow our remand instructions. We now turn to the merits of appellant's claims, addressing each contention in turn.

The district court did not clearly err in valuing Homestead #2.

Appellant argues that the district court erred by valuing Homestead #2 as somewhere between $378,521 and $410,000 and should have instead valued Homestead #2 as worth $389,500. We are unpersuaded.

Upon the dissolution of a marriage, the district court "shall make a just and equitable division of the marital property of the parties . . . after making findings regarding the division of the property." Minn. Stat. § 518.58, subd. 1 (2022). Appellate review of a trial court's conclusions in a dissolution case is limited. *See Olsen v. Olsen*, 562 N.W.2d 797, 799-800 (Minn. 1997). "[W]e defer to the district court's underlying findings of fact" and will not set them aside "unless they are clearly erroneous." *Gill v. Gill*, 919 N.W.2d 297, 301 (Minn. 2018) (citing *Antone v. Antone*, 645 N.W.2d 96, 100 (Minn. 2002)). A district court's findings are clearly erroneous if the appellate court is left with a definite and firm conviction that a mistake was made. *See id.*

The district court's determination of "the specific value of an asset is a finding of fact" and "shall not be set aside unless clearly erroneous on the record as a whole." *Maurer v. Maurer*, 623 N.W.2d 604, 606 (Minn. 2001) (quotation omitted). "Exactitude is not required of the trial court in the valuation of assets in a dissolution proceeding; it is only necessary that the value arrived at lies within a reasonable range of figures." *Johnson v.*

Johnson, 277 N.W.2d 208, 211 (Minn. 1979) (citing *Hertz v. Hertz*, 229 N.W.2d 42, 44 (Minn. 1975)).

In this case, the district court did not assign a value to Homestead #2 in its original findings of fact, conclusions of law, order for judgment, and judgment and decree of dissolution of the marriage, which the district court issued prior to the first appeal. On remand, the district court valued Homestead #2 as between $378,521 and $410,000. To argue that Homestead #2 is worth $389,500, appellant now relies on one of his trial exhibits—the closing disclosure for Homestead #2—which reflected that appellant used a $389,500 loan to purchase the property. But the district court also received a trial exhibit offered by appellant, which valued Homestead #2 as worth $410,000, and an exhibit attached to appellant's post-remand brief, which valued Homestead #2 as worth $378,521.

Based on the record as a whole, we are not left with a definite and firm conviction that a mistake was made. *See Gill*, 919 N.W.2d at 301. We conclude that the district court's valuation of Homestead #2 is not clearly erroneous because the value—"between $378,521 and $410,000"—is within a reasonable range of figures supported by appellant's own evidence. *See Maurer*, 623 N.W.2d at 606; *Johnson*, 277 N.W.2d at 211.

The district court did not abuse its discretion in declining to reapportion marital property or to reevaluate the maintenance award.

Appellant challenges the district court's determination that the status quo property distribution and spousal maintenance award still strongly favors him, despite the exclusion of the Nepal residence from the marital estate. He maintains that the district court's decision does not reflect a just and equitable division of the property among the parties. We disagree.

The district court "has broad discretion in evaluating and dividing property in a marital dissolution and will not be overturned except for abuse of discretion." *Antone*, 645 N.W.2d at 100; *see also Rutten v. Rutten*, 347 N.W.2d 47, 50 (Minn. 1984) (observing that "[i]t is well settled in cases involving the dissolution of marriages that the trial court is accorded broad discretion with respect to the division of property" and "allowance of alimony or maintenance"). "A district court abuses its discretion by making findings of fact that are unsupported by the evidence, misapplying the law, or delivering a decision that is against logic and the facts on record." *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022) (quoting *Bender v. Bernhard*, 971 N.W.2d 257, 262 (Minn. 2022)).

"The idea of marital property is 'grounded in the principle that marriage is a partnership and that each partner should get out of the marriage a fair share of what was put into it.'" *Gill*, 919 N.W.2d at 302 (quoting *Baker v. Baker*, 753 N.W.2d 644, 650 (Minn. 2008)). A just and equitable division of the marital property requires that the district court make "findings on all relevant factors including the length of the marriage, any prior marriage of a party, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, needs, opportunity for future acquisition of capital assets, and income of each party." Minn. Stat. § 518.58, subd. 1. The district court must also consider the contribution of each party "in the acquisition, preservation, depreciation or appreciation in the amount or value of the marital property, as well as the contribution of a spouse as a homemaker." *Id.* It is not an abuse of discretion for the district court to award a disproportionate amount of marital property where there is a "fairly significant income disparity between the parties." *Reynolds v. Reynolds*, 498 N.W.2d 266, 270-71 (Minn. App. 1993).

In the amended findings of fact, conclusions of law, order for judgment, and judgment following remand in this case, the district court considered and applied the foregoing relevant factors, determining that "[respondent's] contribution to the household and family unit during the marriage was just as important as [appellant's] contribution as the primary earner." In the district court's original findings of fact, conclusions of law, order for judgment, and decree of dissolution, the district court explained that appellant had earned more than $300,000 a year as a hospitalist and that respondent gave up her dental career in Nepal to marry appellant and to support their household for many years. Moreover, the district court found that appellant actively discouraged respondent from pursuing her career in dentistry and encouraged her to be a stay-at-home mother during their marriage. And although respondent re-enrolled in college to complete her education as a dental hygienist, the district court noted that she remained unemployed. Thus, the district court concluded that respondent "[did] not possess any income-generating assets or liquid assets which meet her or the [c]hildren's monthly expenses."

On top of those prior findings, the district court valued respondent's total property distribution at $358,700, based on the appraised value of Homestead #1 and the $35,000 property distribution payment. On the other hand, the district court valued appellant's property distribution as between $378,521 and $410,000, i.e., the value of Homestead #2, discussed above. While the district court acknowledged that respondent sold Homestead

#1 for more than its appraised value, it ultimately determined the marital property distribution still strongly favored appellant and that it would be "unjust and inequitable to make [respondent] pay back the property settlement funds given her limited financial means." The district court's finding that respondent had limited financial means is supported by "the fact that she [was] in school, and actively seeking gainful employment to support her family."

Considering the foregoing, we conclude that the district court's decision falls within its broad discretion and that the court did not make findings of fact that are unsupported by the evidence, misapply the law, or deliver a decision that is against logic and the facts on record. *See Woolsey*, 975 N.W.2d at 506. Particularly considering the significant income disparity between the parties and the partnership principle that each party should get out of the marriage a fair share of what they put into it, the district court's decision on remand to maintain the existing marital property and maintenance awards was just and equitable. *See Reynolds*, 498 N.W.2d at 270-71; *see also Gill*, 919 N.W.2d at 302. We discern no abuse of discretion in this case.

Affirmed.