

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-1921**

In Re the Marriage of:

Seth Joshua Eckert, petitioner,
Respondent,

vs.

Amanda Pederson,
Appellant.

**Filed August 11, 2025
Affirmed
Larkin, Judge**

Ramsey County District Court
File No. 62-FA-23-260

Linda S. S. de Beer, de Beer & Associates, P.A., Lake Elmo, Minnesota (for respondent)

Amanda Joal Pederson, New Brighton, Minnesota (pro se appellant)

Considered and decided by Bentley, Presiding Judge; Larkin, Judge; and Larson,
Judge.

NONPRECEDENTIAL OPINION

LARKIN, Judge

Appellant challenges the district court's rulings on her motions to correct clerical mistakes in the parties' dissolution judgment and respondent's motion seeking various forms of relief. We affirm.

FACTS

Appellant Amanda Pederson and respondent Seth Joshua Eckert married in 2016. They have three children. In February 2023, Eckert petitioned to dissolve the marriage. In January 2024, the district court held a one-day court trial. The court subsequently signed an order for judgment to dissolve the marriage, and judgment was entered on April 19, 2024. Notice of the entry of judgment was served on the parties that same day.

The dissolution judgment divided the parties' marital assets; awarded custody of parties' children; granted neither party spousal maintenance; awarded Pederson the homestead, subject to encumbrances; and ordered Pederson to pay Eckert \$10,000 in conduct-based attorney fees. The court concluded that Eckert had a \$118,285 nonmarital interest in the homestead, crediting his testimony that he purchased the home five years before the marriage and provided the funds for the down payment. The court also credited Eckert's "*Schmitz*" calculation in support of his nonmarital claim.¹

On June 17, 2024, Pederson appealed the April 2024 dissolution judgment. Eckert moved to dismiss the appeal, arguing that Pederson failed to timely serve him. We granted his motion and dismissed the appeal. *Eckert v. Eckert*, No. A24-0977 (Minn. App. Aug. 13, 2024) (order).

¹ "The *Woosnam/Schmitz* formula for apportioning marital and non-marital interests depends on three variables: 1) the non-marital contribution; 2) the value of the property at the time of the marriage; and 3) the present value of the property." *Andersen v. Andersen*, 374 N.W.2d 499, 502 (Minn. App. 1985).

On August 1, 2024, Pederson filed three separate motions to correct clerical mistakes in the April 2024 dissolution judgment.² On August 6, Eckert moved for emergency relief on various grounds. He requested appointment of a receiver to sell the homestead. He also requested conduct-based attorney fees. The district court held a hearing on the parties' motions on August 21.

On November 19, 2024, the district court filed an order addressing the parties' August motions. The court acknowledged that Pederson failed to serve Eckert with her motions to correct clerical mistakes but addressed the merits of her motions "in the interest of justice." Because Pederson did not cite a legal basis for her motions to correct clerical mistakes, the district court construed the motions as being made under Minn. R. Civ. P. 60.01, which permits corrections of clerical mistakes at any time. The court addressed seven clerical mistakes alleged by Pederson.

Five of Pederson's alleged clerical mistakes concerned Eckert's nonmarital interest in the homestead. The district court concluded that Pederson's challenges to its nonmarital determination were not assertions "that the court made a clerical error." Instead, Pederson asserted "that the court incorrectly found that the evidence submitted by Eckert established [that] he had non-marital equity" in the parties' homestead. Regardless, the district court concluded that the record supported its nonmarital determination and that there was no error in its calculation.

² While Pederson's third motion sought to address alleged mistakes in an "August 1, 2024" order, her motion was filed on that date, and as found by the district court, her motion actually sought to correct alleged mistakes in the April 2024 dissolution judgment.

The sixth alleged clerical mistake regarded the district court's calculation of the value of a vehicle. The court concluded that there was an error in that calculation and reduced the amount Pederson owed Eckert by \$606.

The seventh alleged clerical mistake regarded the district court's determination that a loan was a marital debt. The district court concluded that there was no error in that determination.

As to Eckert's motion, the court agreed to appoint a receiver to sell the homestead, ordered Pederson to facilitate the removal of Eckert's name from a vehicle title, and ordered Pederson to attend parenting classes. The court reserved a ruling on Eckert's request for conduct-based attorney fees.

Pederson appeals.

DECISION

Pederson appeals from the district court's order of November 19, 2024, which addressed her motions to correct seven clerical mistakes in the April 2024 judgment, as well as Eckert's motion for various relief.³

The scope of our review is set forth in Minn. R. Civ. App. P. 103.04:

The appellate courts may reverse, affirm or modify the judgment or order appealed from or take any other action as the interest of justice may require.

On appeal from or review of an order the appellate courts may review any order affecting the order from which the appeal is taken and on appeal from a judgment may review any order involving the merits or affecting the judgment. They

³ In a February 19, 2025 order, this court determined that this appeal is from the November 19, 2024 order. *Eckert v. Pederson*, No. A24-1921 (Minn. App. Feb. 19, 2025) (order).

may review any other matter as the interest of justice may require. The scope of review afforded may be affected by whether proper steps have been taken to preserve issues for review on appeal, including the existence of timely and proper post-trial motions.

Many of the decisions that Pederson challenges in this appeal—such as the district court’s nonmarital-property determination, its application of the *Schmitz* formula, its marital-property division, its spousal-maintenance determination, and its parenting-time determination—address the validity of the April 2024 dissolution judgment. That judgment became final in June 2024, after Pederson failed to timely perfect an appeal or to toll the timeline for appeal with a post-decision motion. See Minn. R. Civ. App. P. 104.01, subd. 1 (“Unless a different time is provided by statute, an appeal may be taken from a judgment within 60 days after its entry . . .”), subd. 2(e) (stating that the appeal timeline may be tolled by a motion “for relief under Minn. R. Civ. P. 60 if the motion is filed within the time for a motion for new trial”); Minn. R. Civ. P. 59.03 (stating that a notice of motion for a new trial must be served “within 30 days after a general verdict or service of notice by a party of the filing of the decision or order”).

“Subject to the right of appeal, a dissolution judgment and decree is final when entered, unless in a timely motion a party establishes a statutory basis for reopening the judgment and decree.” *Thompson v. Thompson*, 739 N.W.2d 424, 428 (Minn. App. 2007). A district court may relieve a party to a dissolution proceeding “from a judgment and decree, order, or proceeding” under certain grounds, including fraud. Minn. Stat. § 518.145, subd. 2 (2024); see *Shirk v. Shirk*, 561 N.W.2d 519, 522 (Minn. 1997) (“The

sole relief from the judgment and decree lies in meeting the requirements of Minn. Stat. § 518.145, subd. 2.”).

In her motions underlying the November 19, 2024 order that is the subject of this appeal, Pederson did not request relief under section 518.145, subdivision 2 or assert a basis for such relief. Instead, Pederson’s motions alleged clerical mistakes. Although the April 2024 dissolution judgment ostensibly affected the November 19, 2024 order, we decline to exercise any discretion we may have to address Pederson’s untimely challenges to the April 2024 dissolution judgment. *See* Minn. R. Civ. App. P. 103.04 (stating that we “may” review); *see also* Minn. Stat. § 645.44, subd. 15 (2024) (noting that in the context of statutes, “[m]ay” is permissive.”). Doing so would inappropriately allow Pederson to obtain review of the April 2024 dissolution judgment despite our prior order dismissing the appeal as untimely for lack of service. *See* Minn. R. Civ. App. P. 140.01 (“No petition for rehearing shall be allowed in the Court of Appeals.”).

Several of Pederson’s other arguments raise issues that were not the subject of the November 19, 2024 order that is before us in this appeal, such as allegations of fraud, discovery violations, concealment of assets, unfair litigation tactics, judicial bias, the denial of counsel and legal fees, the denial of a motion to recuse, and contempt findings. Eckert indicates that some of these issues—including the denial of Pederson’s request to remove the assigned district court judge—were raised in motions that were filed after the August 2024 hearing and heard by the district court at an October 22, 2024 hearing. The district court filed an order on January 21, 2025, addressing the issues raised at the October 22,

2024 hearing. The January 21, 2025 order is not the subject of this appeal, and we therefore do not review the issues that were determined in that order.⁴

We now turn to the issues that the district court addressed in its November 19, 2024 order, which are the only issues that are properly before us in this appeal.

Clerical Mistakes

The district court’s November 19, 2024 order denied Pederson’s request to correct five alleged clerical mistakes regarding Eckert’s nonmarital interest in the homestead. A district court may correct clerical mistakes “at any time upon its own initiative or on the motion of any party.” Minn. R. Civ. P. 60.01. A motion to correct a clerical mistake under rule 60.01 concerns error arising from oversight or omission and “can only be used to make the judgment or record speak the truth and cannot be used to make it say something other than what originally was pronounced.” *Johnson v. Johnson*, 379 N.W.2d 215, 218 (Minn. App. 1985) (quotation omitted). We review the denial of a motion to correct clerical mistakes for abuse of discretion. *See State Inc. v. Sumpter & Williams*, 553 N.W.2d 719, 723 (Minn. App. 1996) (“Accordingly, the district court did not abuse its discretion in finding the error to be clerical and in correcting the judgment as docketed.”), *rev. denied* (Minn. Nov. 20, 1996).

In the April 2024 dissolution judgment, the district court concluded that Eckert had a \$118,285 nonmarital interest in the homestead, crediting his testimony that he purchased the home five years before the marriage and provided the funds for the down payment. In

⁴ The record indicates that Pederson has not appealed the January 21, 2025 order.

its November 19, 2024 order, the district court concluded that Pederson failed to allege a clerical mistake in its nonmarital-property determination and that the record supported its findings regarding Eckert’s nonmarital interest, which was based on the district court’s credibility determination.

Pederson argues that the parties obtained a second mortgage on the homestead and removed “all [of the] equity from the home” and that, therefore, there was no nonmarital interest. In doing so, Pederson essentially challenges the district court’s credibility determination.

We reject Pederson’s challenge to the district court’s nonmarital-property determination for two reasons. First, a clerical mistake is “usually a mistake in the clerical work of transcribing the particular record . . . and . . . cannot reasonably be attributed to the exercise of judicial consideration or discretion.” *State v. Walsh*, 456 N.W.2d 442, 443 (Minn. App. 1990) (quotation omitted). Pederson’s challenge to the district court’s nonmarital property determination does not regard the clerical work of the court. The district court therefore did not abuse its discretion by declining to correct Pederson’s alleged “clerical” mistakes regarding Eckert’s nonmarital interest in the homestead.

Second, even if Pederson’s credibility-based challenge to the district court’s nonmarital property determination were properly before us it would fail on the merits because in reviewing the district court’s factual findings, we defer to the district court’s credibility determinations. *See State v. Jones*, 566 N.W.2d 317, 325 (Minn. 1997); *State v. Miller*, 659 N.W.2d 275, 279 (Minn. App. 2003), *rev. denied* (Minn. July 15, 2003). The district court expressly found Eckert credible, and we discern no basis to disregard that

credibility determination. *See State v. Hurd*, 819 N.W.2d 591, 598 (Minn. 2012) (stating that the fact-finder “is in the best position to weigh credibility and thus determines which witnesses to believe and how much weight to give their testimony” (quotation omitted)).

The district court’s November 19, 2024 order also denied Pederson’s request to correct an alleged clerical mistake stemming from the district court’s determination that a certain loan obligation was a marital debt. In so doing, the district court reasoned that Eckert’s testimony and certain exhibits supported its marital-debt determination.

Once again, Pederson’s challenge is to the merits of the district court’s determination in the April 2024 dissolution decree classifying the debt as marital. Because that challenge did not regard the clerical work of the court, the district court did not abuse its discretion by denying the request for correction.

Receiver Appointment

The district court’s November 19, 2024 order granted Eckhart’s request for appointment of a receiver to sell the parties’ homestead, and Pederson challenges that ruling.

“A limited or general receiver may be appointed in a judgment or after judgment to carry the judgment into effect, to preserve property pending an appeal, or when an execution has been returned unsatisfied and the judgment debtor refuses to apply the property in satisfaction of the judgment.” Minn. Stat. § 576.25, subd. 3 (2024). We review the district court’s appointment of a receiver for an abuse of discretion. *Minn. Hotel Co. v. ROSA Dev. Co.*, 495 N.W.2d 888, 891 (Minn. App. 1993).

The district court found, and the record supports, that Pederson failed to comply with a provision in the April 2024 dissolution judgment requiring her to refinance the homestead (or to remove Eckert from any obligation secured by the home) and to pay Eckert a sum for his marital and nonmarital interests in the homestead. The district court explained that Pederson had not complied with the provisions of the dissolution judgment governing division of the parties' homestead. The district court stated that Pederson "has remained in [the homestead], . . . failed to pay Eckert the money she owes, and failed to cooperate in the sale of [the homestead]." The district court noted that "Pederson has not provided this court with any alternative to making Eckert whole, nor has she advanced any plan about how she could keep [the homestead]." Finally, the district court reasoned that "[g]iven Pederson's lack of compliance with the [dissolution judgment] and her failure to articulate a plan to move forward on either keeping or selling [the homestead], the court agrees that the appointment of a receiver to sell [the homestead]" was necessary to enforce the terms of the dissolution judgment and make Eckert whole.

On this record, Pederson has not shown—and we do not discern—an abuse of discretion.

Attorney-Fee Award

Pederson argues that the district court abused its discretion by awarding Eckert conduct-based attorney fees. But the district court's November 19, 2024 order did not award Eckert any attorney fees. Instead, the district court ordered that "Eckert's motion for conduct-based attorney's fees is RESERVED." Because the district court's November 19, 2024 order reserved a ruling on the issue of conduct-based attorney fees, there is no

attorney-fee award to review. To the extent that Pederson attempts to challenge the award of attorney fees in the April 2024 judgment, that issue is beyond the scope of this appeal.

In conclusion, Pederson has not established that she is entitled to relief from the November 19, 2024 order that is before us for review.

Affirmed.