

*This opinion is nonprecedential except as provided by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
A25-0315**

In re the Estate of Gordon Jaenisch, Deceased, and
In re the Estate of MaryAnn Shirley Jaenisch, Deceased.

**Filed December 15, 2025
Affirmed
Johnson, Judge**

Chippewa County District Court
File Nos. 12-PR-24-74, 12-PR-24-75

J. Richard Stermer, Krystal M. Lynne, Stermer & Sellner, Chtd., Montevideo, Minnesota
(for appellant Trudy Friedl)

Douglas D. Kluver, Kluver Law Office and Mediation Center, P.L.L.C., Montevideo,
Minnesota (for respondent Thomas A. Jones)

Tamara Leyendecker, River Falls, Wisconsin (*pro se* respondent)

Considered and decided by Worke, Presiding Judge; Johnson, Judge; and Cleary,
Judge.*

NONPRECEDENTIAL OPINION

JOHNSON, Judge

This appeal is taken from an order filed in consolidated probate cases concerning the estates of a married couple who died within four months of each other. An adult child of the decedents petitioned the district court for an order determining that the decedents’

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

former residence was their homestead when they died, despite the decedents' failure to file notices of homestead rights within six months of their respective relocations from the residence to a nursing home. The district court denied the petition on the ground that there is no evidence that either decedent was under a legal disability that precluded the filing of homestead notices during the relevant six-month periods. We conclude that the district court did not err in that ruling. Therefore, we affirm.

FACTS

MaryAnn Jaenisch and Gordon Jaenisch were born in 1932 and 1931, respectively. They owned a residence on rural property in Chippewa County as tenants in common and lived there together until Gordon moved to a nursing home in the city of Montevideo in August 2021. MaryAnn joined Gordon there in January 2023 but moved to an assisted-living facility four months later. Gordon passed away in June 2023 at the age of 92, and MaryAnn passed away in October 2023 at the age of 91.

MaryAnn and Gordon had two children: Trudy Friedl and Tamara Leyendecker. Friedl and Leyendecker are the sole heirs to both MaryAnn and Gordon. Friedl lived in MaryAnn and Gordon's Chippewa County home after their deaths and during district court proceedings. Leyendecker lives in Wisconsin.

These probate cases were commenced in January and February 2024. The petitions commencing the actions disclosed that each decedent owned a half-interest in their joint residence, valued at approximately \$100,000 each. In April 2024, Chippewa County Family Services filed a claim of approximately \$210,000 against Gordon's estate based on his receipt of Medical Assistance benefits. A funeral home filed a claim of approximately

\$16,000 against MaryAnn's estate. In May 2024, the district court appointed Thomas A. Jones to serve as special administrator of both estates.

In October 2024, Friedl filed a document captioned "petition for election of homestead rights." She requested an order stating that MaryAnn and Gordon's former residence was their homestead when they died and recognizing the ongoing validity of the homestead exemption. In support of the petition, Friedl executed and filed a one-page affidavit stating that she lives on the property; that her sister, Leyendecker, lives in Wisconsin; and that she and Leyendecker are the sole surviving beneficiaries of their parents' estates and homestead. Friedl's affidavit does not contain any information as to whether her parents ever were subject to a legal disability. Friedl filed a memorandum of law in which she described petitions and orders filed in prior guardianship and conservatorship cases concerning Gordon and MaryAnn.

Jones responded to Friedl's petition by filing an affidavit and a memorandum of law. In the memorandum, Jones stated that neither Gordon nor MaryAnn filed a notice of homestead status within six months of their respective relocations from their residential property to a nursing home. Jones asserted that Gordon "appears to have relocated to the nursing home due to physical infirmity, [but] there is no indication in the record that Mr. Jaenisch suffered from any diminished mental capacity within that 6-month window that would constitute a legal disability." Jones also asserted that MaryAnn "relocated from the nursing home to assisted living due to her ability to live independently" and "never expressed any desire or intent to return to her homestead." Jones acknowledged that the county previously had sought and obtained emergency guardianships and conservatorships

over both Gordon and MaryAnn. But Jones asserted that both Gordon and MaryAnn voluntarily consented to the appointments of guardians and conservators and that, as a matter of law, a finding of incapacity is not required for the voluntary appointment of a guardian or a conservator. Jones further asserted that the guardianship and conservatorship for MaryAnn was sought “primarily due to the alleged neglect Ms. Jaenisch was experiencing at the hands of her live-in daughter, Trudy Friedl,” who, according to the county, “had a practice of dropping her mother off at the nursing home for the entire day while Ms. Friedl was at work.” Consequently, Jones argued that both Gordon’s and MaryAnn’s interests in the residential property were non-homestead at the times of their respective deaths. Jones executed and filed an affidavit providing evidentiary support for his arguments.

The court scheduled an evidentiary hearing on Friedl’s petition. Friedl and Jones appeared with counsel; Leyendecker appeared on a self-represented basis. At the outset of the hearing, the district court engaged in a colloquy with counsel and Leyendecker to clarify the issues needing resolution. During that discussion, Leyendecker stated that she opposed the petition because the debt to the county “needs to be paid off” and cannot be paid “until the house is sold.”

After that preliminary discussion, the district court stated to Friedl’s attorney: “This is your petition. You may proceed.” Friedl’s attorney presented a brief oral argument in support of the petition. Specifically, Friedl argued that the district court previously had found that MaryAnn “had a delusional disorder” and was “unable to make rational decisions about her needs” and that those findings show that “she was under a legal

disability . . . during the relevant six-month period after she moved out of the homestead.” Friedl did not call any witnesses or offer any exhibits into evidence.

Jones’s attorney then presented oral argument. Jones argued that neither Gordon nor MaryAnn intended to return to the residential property after moving out. Jones also argued that Gordon “perhaps” had a physical disability when he went to a nursing home but that neither Gordon nor MaryAnn had a legal disability during the six-month period following their respective relocations. Jones argued further that the mere existence of a guardianship or a conservatorship does not necessarily mean that a protected person has a legal disability and that both Gordon and MaryAnn voluntarily consented to the appointment of a guardianship and a conservatorship. Jones did not call any witnesses or offer any exhibits into evidence.

The district court made oral findings of fact from the bench, including a finding that the record “is not sufficient to show that either decedent was . . . incapacitated or under legal disability of any kind during those six-month periods.” The district court concluded that “the property was not homestead property” when Gordon and MaryAnn died, denied the petition, and stated its intention to file an order. Two weeks later, the district court filed a four-page order with findings of fact, conclusions of law, and an order denying the petition.

Friedl appeals. Her attorney has filed an appellate brief on her behalf. Neither Jones nor Leyendecker has filed a responsive brief. Nonetheless, it is this court’s duty to decide the appeal on the merits. *See* Minn. R. Civ. App. P. 142.03.

DECISION

Friedl argues that the district court erred by denying her petition for an order that Gordon and MaryAnn's jointly owned residential property was their homestead when they died.

A.

We begin by describing the applicable law. Chapter 510 of the Minnesota Statutes provides that a person's homestead is exempt from certain debts. "The house owned and occupied by a debtor as the debtor's dwelling place, together with the land upon which it is situated . . . , shall constitute the homestead of such debtor and the debtor's family, and be exempt from seizure or sale under legal process on account of any debt not lawfully charged thereon in writing," with certain exceptions and limitations. Minn. Stat. § 510.01 (2024); *see also* Minn. Stat. §§ 510.02, .03, .05 (2024). An owner of homestead property may move away from the property "without affecting such exemption, if the owner does not thereby abandon the same as the place of abode." Minn. Stat. § 510.07 (2024). But the owner's right to retain the homestead exemption after moving out is limited in time and subject to a condition:

If the owner shall cease to occupy such homestead for more than six consecutive months the owner shall be deemed to have abandoned the same unless, within such period, the owner shall file with the county recorder of the county in which it is situated a notice, executed, witnessed, and acknowledged as in the case of a deed, describing the premises and claiming the same as the owner's homestead.

Id. If an owner files a notice claiming homestead status within six months of vacating the property, the exemption may continue for no more than five years, "unless during some

part of the term the premises shall have been occupied as the actual dwelling place of” the owner or the owner’s family. *Id.*

The probate code governs the homestead rights of a deceased person and provides, in part:

If the homestead passes by descent or will to the spouse or decedent’s descendants . . . , it is exempt from all debts which were not valid charges on it at the time of decedent’s death except that the homestead is subject to a claim filed pursuant to section 246.53 for state hospital care or 256B.15 for medical assistance benefits.

Minn. Stat. § 524.2-402(c) (2024).

This court has recognized that, despite the obligation to file notice of a homestead claim within six months of vacating homestead property, “longstanding caselaw establishes that an owner is not required to file such notice if he is under a legal disability that precludes him from filing it.” *In re Estate of Eckley*, 780 N.W.2d 407, 410 (Minn. App. 2010) (citing *Millett v. Pearson*, 173 N.W. 411, 412 (Minn. 1919), and *Beigler v. Chamberlin*, 176 N.W. 49, 50 (Minn. 1920)). The legal disability necessary to excuse a failure to file a homestead-exemption claim within six months does not include the owner’s “‘need for *physical* care outside of the home’ that resulted in her residence in a nursing home.” *Id.* at 411 (quoting *In re Estate of Hoffman*, 354 N.W.2d 581, 583 (Minn. App. 1984) (emphasis added), *rev. denied* (Minn. Jan. 2, 1985)). This is so because “[a] person who needs to live in a care facility rather than in his own house due to physical infirmity is still capable of filing the required legal notice.” *Id.* However, “a person who lacks

mental capacity is unable to take the necessary legal steps to preserve his homestead rights.” *Id.*

In *Eckley*, this court recited the district court’s uncontested findings that, “as a result of multiple strokes, decedent was ‘confused and unable to make or communicate decisions,’ could not speak, and was only occasionally able to respond by nodding his head”; “lacked sufficient understanding or capacity needed to make or communicate responsible decisions concerning his estate”; and “never regained his mental capacity.” *Id.* at 412. We then concluded that the decedent “was incapable of taking the legal steps necessary to protect his estate, such as filing notice of homestead status pursuant to Minn. Stat. § 510.07,” and, thus, retained his homestead rights despite not filing notice of a claim within six months of moving from the homestead property to a nursing home. *Id.*

B.

In this case, Friedl and Jones appear to agree that, because MaryAnn died after Gordon, the existence or non-existence of her homestead rights is the determinative issue.

In its written order, the district court recited the historical facts and then made the following findings:

Neither of the decedents were ever found to be confused or incapable of communicating responsible decisions. The decedents were allowed to stipulate to the guardianship / conservatorship, as well as to the appointment of a specific individual for appointment to each office In addition, both were allowed to retain the right to vote. Finally, MaryAnn was allowed to relocate from the nursing home to a less restrictive assisted living arrangement where she lived more independently without incident prior to her death. Neither decedent ever expressed any desire or intent to return to her homestead.

The district court cited the applicable statutes and the *Eckley* opinion and concluded as follows:

Aside from the mere fact that the decedents had voluntarily consented to the establishment of a guardian and conservator prior to their deaths, the petitioner has not submitted any evidence that the decedents lacked the mental capacity to take the legal steps necessary to preserve their homestead rights either through themselves or their guardian or conservator. The Property was non-homestead at the time of the survivor, MaryAnn Jaenisch's death.

C.

Friedl contends that the district court's findings of fact are clearly erroneous on the ground that they "disregard[] substantial evidence of legal disability." Friedl asserts that the decedents' disabilities are demonstrated by the fact that guardians and conservators were appointed for each of them. To support that statement, Friedl refers to certain documents in the addendum to her brief consisting of pleadings and orders filed in guardianship and conservatorship cases concerning Gordon and MaryAnn. But the documents she references, as well as other documents in her addendum, were not introduced into evidence in district court proceedings in this case.¹

¹Friedl asserts in her appellate brief that, "[w]hile the December 16, 2024, hearing was labeled an evidentiary hearing, no opportunity was presented to submit evidence; rather, only oral arguments were made." Our review of the record reveals that the district court did not in any way restrict Friedl's opportunity to present evidence at the evidentiary hearing. After the discussion of preliminary matters, the district court stated to Friedl's attorney: "This is your petition. You may proceed." Friedl's attorney never sought to introduce any evidence at the hearing.

The rules of appellate procedure provide, “The documents filed in the trial court, the exhibits, and the transcript of the proceedings, if any, shall constitute the record on appeal in all cases.” 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); *see also Eagan Econ. Dev. Auth. v. U-Haul Co. of Minnesota*, 787 N.W.2d 523, 530 (Minn. 2010); *MacDonald v. Brodkorb*, 939 N.W.2d 468, 474 (Minn. App. 2020); *Mitterhauser v. Mitterhauser*, 399 N.W.2d 664, 667 (Minn. App. 1987).

The only exception to the rule stated above, which is a narrow exception, applies to evidence that is (1) conclusive, (2) incontrovertible, and (3) offered for the purpose of affirming a district court decision. *Plowman*, 261 N.W.2d at 583; *see also In re Livingood*, 594 N.W.2d 889, 895-96 (Minn. 1999); *301 Clifton Place L.L.C. v. 301 Clifton Place Condo. Ass’n*, 783 N.W.2d 551, 559 (Minn. App. 2010). None of the requirements of the exception are satisfied in this case. First, the outside-the-record evidence on which Friedl relies is inconclusive because the appointment of a guardian or conservator “is only *prima facie* evidence of mental incompetency.” *Long v. Champion*, 84 N.W.2d 686, 694 (Minn. 1957). Second, in the district court, Jones disputed Friedl’s argument that Gordon and MaryAnn were subject to legal disabilities during the six-month periods following their relocations from their residential property to the nursing home. And third, Friedl relies on outside-the-record evidence to reverse, not affirm, the district court’s decision. Thus,

pursuant to the general rule of rule 110.01 and *Plowman*, we may not consider the documents at pages 10 through 68 of Friedl's addendum.

This court applies a clear-error standard of review to a district court's findings of fact. Minn. R. Civ. P. 52.01; *In re Civil Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021). A finding of fact is clearly erroneous if it is "manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole." *Kenney*, 963 N.W.2d at 221 (quotation omitted). "If there is reasonable evidence to support the trial court's findings of fact, a reviewing court should not disturb those findings." *Fletcher v. St. Paul Pioneer Press*, 589 N.W.2d 96, 101 (Minn. 1999).

The evidentiary record relevant to Friedl's petition consists of two affidavits: one by Friedl and one by Jones. Friedl's affidavit includes no information whatsoever as to whether Gordon and MaryAnn ever were subject to a legal disability. Accordingly, the district court did not clearly err by finding that "the petitioner has not submitted any evidence that the decedents lacked the mental capacity to take the legal steps necessary to preserve their homestead rights either through themselves or their guardian or conservator."

Jones's affidavit does not state that Gordon and MaryAnn ever were subject to a legal disability. Jones's affidavit refers to the fact that guardianship and conservatorship petitions were filed but explains that the petitions were granted only because Gordon and MaryAnn consented to the appointments of guardians and conservators. Jones is correct that, if a person voluntarily consents to the appointment of a guardian or a conservator, a district court may grant the petition for such an appointment without finding that the person

is “incapacitated.” *See* Minn. Gen. R. Prac. 416(c). Thus, the district court did not err by concluding that Gordon and MaryAnn’s residential property did not have homestead status when MaryAnn died.

In sum, the district court did not err by denying Friedl’s petition for an order determining that the decedents’ former residence was their homestead when they died.

Affirmed.