

*This opinion is nonprecedential except as provided by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
A25-0481**

In re the Estate of:
Jose Antonio Chimborazò Quizhpi, decedent.

**Filed October 20, 2025
Reversed and remanded
Frisch, Chief Judge**

Hennepin County District Court
File No. 27-PA-PR-23-1431

Christopher M. Daniels, Parker Daniels Kibort LLC, Minneapolis, Minnesota (for
appellant Jairo David Buri Chimborazò)

Joseph A. Chimborazò Palchizaca, Albertville, Minnesota (pro se respondent)

Considered and decided by Reyes, Presiding Judge; Frisch, Chief Judge; and
Johnson, Judge.

NONPRECEDENTIAL OPINION

FRISCH, Chief Judge

Following remand from this court for findings of fact, appellant challenges the district court's dismissal of his petition for allowance of a claim previously disallowed against the estate of decedent. Appellant seeks reversal of the district court's dismissal of his petition, arguing that the district court did not comply with our remand instructions to make the required findings of fact and otherwise erred as a matter of law. Because the district court did not make findings of fact as directed by our remand instructions, and

because the record on appeal does not enable meaningful appellate review, we again reverse and remand.

FACTS

Appellant Jairo David Buri Chimborazò is the nephew of decedent Jose Antonio Chimborazò Quizhpi. In 2017, decedent bought a house in Minneapolis. On June 18, 2020, decedent died. In January 2023, respondent Joseph A. Chimborazò Palchizaca—decedent’s child—became the personal representative of decedent’s estate. Because appellant and respondent share common names, we refer to appellant as nephew and respondent as the personal representative.

On March 24, 2023, the personal representative sold the house to his business.

On May 18, 2023, nephew filed with the court administrator a claim against the estate, a procedure allowed by Minn. Stat. § 524.3-804(1) (2024). Nephew challenged the personal representative’s sale of the house to the business, asserting four equitable theories: (1) promissory estoppel, (2) unjust enrichment, (3) equitable estoppel, and (4) the establishment of a constructive trust.¹ In his written statement of claim, nephew alleged that, before decedent purchased the house, decedent and nephew had agreed that nephew would make all mortgage payments on the house, and in exchange, title to the property would pass to nephew upon satisfaction of obligations to the lender. Nephew alleged that,

¹ We note that it is not clear that each of the four theories raised by nephew is, in fact, a separate theory of recovery (i.e., a claim). *See, e.g., Danielson v. Danielson*, 721 N.W.2d 335, 339 (Minn. App. 2006) (noting that “[a] constructive trust is a ‘judicially created equitable remedy imposed to prevent unjust enrichment of a person holding property under a duty to convey it or use it for a specific purpose.’” (quoting *Wright v. Wright*, 311 N.W.2d 484, 485 (Minn. 1981))).

in reliance on this agreement, he has continuously—including after decedent’s death—paid property taxes, performed routine maintenance, maintained insurance, and invested \$43,000 to improve the property. Nephew asserted that his claim arose on or about March 24, 2023, when the personal representative sold the property. Nephew characterized his claim against the estate as seeking “\$43,000.00 plus an undetermined amount that is no less than [his] equitable interest in a home sold by” the personal representative.

On August 2, 2023, the personal representative filed a notice of disallowance of claim pursuant to Minn. Stat. § 524.3-806(a) (2024). In September, nephew filed a petition for allowance of claim previously disallowed.

In February 2024, the district court held a hearing on the petition for allowance of claim previously disallowed. In April, the district court dismissed the petition as time-barred. In its order denying the petition, the district court did not make factual findings regarding when any of the asserted claims arose but cited Minn. Stat. § 524.3-803(a)(3) (2024), which provides that claims arising before the death of a decedent are barred if not brought “within one year after the decedent’s death.” The district court did not address arguments regarding the timeliness of the personal representative’s notice of disallowance or the merits of the promissory-estoppel claim. Nephew appealed.

On appeal, we reversed and remanded the matter to the district court. *In re Est. of Quizhpi*, No. A24-0966, 2025 WL 79116, at *1 (Minn. App. Jan. 13, 2025) (*Quizhpi I*). We explained that “the district court dismissed the claim as untimely without finding when the claim arose,” and that “the question of when the claim arose was a disputed issue that is central to the timeliness of the claim.” *Id.* at *1, *2. We concluded that

[b]ecause the facts are disputed and the record is not reasonably clear, we must reverse and remand for the district court to make findings as to when the claim arose. *See Bettles v. Fuel-Scott*, 415 N.W.2d 409, 412 (Minn. App. 1987) (reversing and remanding because the lack of findings “inhibits this court’s ability to review the [district] court’s actions”); *see also Roberson v. Roberson*, 206 N.W.2d 347, 348 (Minn. 1973) (“[W]here the record is reasonably clear and the facts not seriously disputed, the judgment of the trial court can be upheld in the absence of trial court findings However, where the record is not clear and the facts are in dispute, findings of fact . . . should be made.”).

Id. at *2. We did not address the remaining theories raised on appeal.

Ten days after the release of our opinion, and without conducting an evidentiary hearing or receiving any additional evidence, the district court filed an amended order, adding three sentences to its original order. First, it added a sentence to the introductory paragraph stating that the matter was remanded for “additional findings.” Second, it added one sentence to the findings of fact: “The Court finds the claim arose at the time of Decedent’s death—June 18, 2020.” Third, it added one sentence to the conclusions of law, explaining that, because the claim is time-barred, the district court need not consider the merits of the underlying promissory-estoppel claim. The district court did not otherwise alter the original order. Nephew again appeals.

DECISION

On appeal, nephew argues that reversal is again required because the district court did not comply with our remand instructions, did not make findings sufficient to enable meaningful appellate review, and erred as a matter of law in dismissing his claims against the estate. We focus our attention on whether the district court complied with its obligation

to follow our remand instructions in *Quizhpi I* and our ability to conduct meaningful appellate review of the current iteration of the district court’s order. We agree with nephew that the district court did not follow our remand instructions because it did not make the findings of fact sufficient to enable meaningful appellate review.

I. The district court did not follow our remand instructions.

The district court did not make required findings of fact in its amended order. “It is the duty of the trial court on remand to execute the mandate of this court strictly according to its terms.” *Halverson v. Village of Deerwood*, 322 N.W.2d 761, 766 (Minn. 1982). “The trial court has no power to alter, amend, or modify our mandate.” *Id.* “Though trial courts generally have broad discretion to determine how to proceed on remand, they cannot act in a way that is inconsistent with the remand instructions provided.” *Leiendecker v. Asian Women United of Minn.*, 895 N.W.2d 623, 633 (Minn. 2017) (quotation omitted). “Appellate courts review a district court’s compliance with remand instructions under the deferential abuse of discretion standard.” *Janssen v. Best & Flanagan, LLP*, 704 N.W.2d 759, 763 (Minn. 2005).

In *Quizhpi I*, we instructed the district court on remand “to make findings as to when the claim arose” because when the claim arose was a disputed issue “central to the timeliness of the claim,” and neither the record nor the order were reasonably clear. 2025 WL 79116, at *2. In nephew’s submission, he asserted that his claim arose in March 2023 when the personal representative sold the house. In the personal representative’s submission, he argued that the claim arose at decedent’s death, on June 18, 2020. In its original order dismissing nephew’s claim, the district court impliedly determined that the

claim arose before decedent's death but did not set forth any factual findings to support such a determination. Without any findings of fact to resolve the disputed issues in the parties' respective submissions, we were unable to assess how the district court arrived at its conclusion and remanded the matter to the district court to make such factual findings.

We also sought additional findings from the district court for completeness. In its original order, the district court did not address each of the four asserted theories set forth in the petition—promissory estoppel, unjust enrichment, equitable estoppel, and the establishment of a constructive trust—and instead purported to dismiss a singular “claim” as time-barred. In the district court's original order, it was not reasonably clear whether the district court determined that each of the four asserted theories supporting nephew's claim arose on the same date, or upon what facts it relied in reaching such a determination.

The district court's original order also did not address nephew's argument that the district court should have allowed the matter to proceed because the personal representative's objection was untimely. *See Peterson v. Marston*, 362 N.W.2d 309, 314 (Minn. 1985) (affirming allowance of claim based on personal representative's failure to timely disallow the claim). Although nephew argued that Minn. Stat. § 524.3-806(a) provides that “[f]ailure of the personal representative to mail notice to a claimant of action on the claim for two months after the time for original presentation of the claim has expired has the effect of a notice of allowance,” the statute also provides that a district court may allow the personal representative to disallow such a claim “for cause.” The district court did not make factual findings as to the timeliness of the personal representative's objection or the applicability of the for-cause exception. And because the district court's original

order did not contain factual findings setting forth the basis as to when any claim arose, it did not have a basis from which it could determine whether the notice of disallowance was timely.

As a result of these deficiencies, we directed the district court on remand “to make findings as to when [nephew’s] claim arose.” *Quizhpi I*, 2025 WL 79116, at *2. On remand, the district court added one pertinent sentence to its order, that “the claim arose at the time of Decedent’s death.” This is a summary determination; the district court did not make any predicate findings of fact that form the basis of this determination. *See In re Civ. Commitment of Spicer*, 853 N.W.2d 803, 810 (Minn. App. 2014) (reversing and remanding to the district court because its “order does not make sufficiently particular findings of fact on the key issues”); *In re Est. of Nelson*, No. A17-0880, 2018 WL 492639, at *4 (Minn. App. Jan. 22, 2018) (explaining that a district court’s factual findings in an order denying “motion for compensation in a probate case . . . must express its reasons for granting or denying [the request] in a manner that will allow an appellate court both to understand the district court’s rationale for its decision and to evaluate the correctness or incorrectness of that rationale”).²

We conclude that the district court on remand did not comply with our instructions to make the required factual findings. Like the original order, the amended order does not set forth a factual basis to support the determination as to when any of the asserted theories forming the basis of the claim(s) arose and does not set forth a basis upon which the district

² We cite nonprecedential authority for its persuasive value. *See* Minn. R. Civ. App. P. 136.01, subd. 1(c).

court resolved contested, and central, issues of fact as to when any claim arose. The current iteration of the district court's order also does not differentiate among the four theories asserted by nephew, does not set forth a reasoned basis for resolving the inconsistencies in the parties' respective submissions, and does not address the timeliness of the personal representative's objection. The district court therefore abused its discretion by failing to comply with our remand instructions to make the necessary factual findings to support its decision. *See Pattinson v. Pattinson*, No. A06-1300, 2007 WL 2177689, at *3 (Minn. App. July 31, 2007) (reversing and remanding to the district court for failure to comply with remand instructions to make findings in support of its spousal-maintenance order); *see also C.O. v. Doe*, No. A11-2166, 2012 WL 2505928, at *4 (Minn. App. July 2, 2012) (reversing and remanding to the district court for failure to satisfy remand instructions by making inadequate findings to support its fee award).³

II. The district court did not make sufficient findings to enable meaningful appellate review.

Independent of our determination that the district court did not comply with our remand instructions, we remain unable to conduct meaningful appellate review in this matter notwithstanding the district court's additions to the original order. In *Quizhpi I*, we

³ It is not apparent from the district court's amended order whether it considered Minn. Stat. § 524.3-104 (2024), which instructs that "[n]o proceeding to enforce a claim against the estate of a decedent or the decedent's successors may be revived or commenced before the appointment of a personal representative." It is also not clear whether it considered Minn. Stat. § 524.3-802 (2024), which provides that "[t]he running of any statute of limitations measured from some other event than death or notice given . . . against a decedent is suspended during the 12 months following the decedent's death but resumes thereafter."

noted that the lack of adequate findings inhibits our ability to conduct meaningful appellate review. 2025 WL 79116, at *2. “The findings and conclusions of a district court must be ‘detailed, specific and sufficient enough to enable meaningful review by this court.’” *In re Guardianship of Doyle*, 778 N.W.2d 342, 353 (Minn. App. Feb. 2, 2010) (quoting *Bliss v. Bliss*, 493 N.W.2d 583, 590 (Minn. App. 1992), *rev. denied* (Minn. Feb. 12, 1993)). “An order does not permit meaningful appellate review if it does not identify the facts that the district court has determined to be true and the facts on which the district court’s decision is based.” *Spicer*, 853 N.W.2d at 811.

We cannot conduct meaningful appellate review of the district court’s most recent order. The pertinent addition to the amended order—that the claim arose at the time of decedent’s death—is seemingly disconnected from the district court’s citation to authority as the basis for its conclusion that nephew’s claim is time-barred. In its amended order, the district court summarily found that the claim arose *at* decedent’s death, but in that same order, the district court dismissed nephew’s claim as time-barred pursuant to section 524.3-803(a)(3), which governs claims arising *before* a decedent’s death. And different timing conventions apply depending on when each claim arose. *Compare* Minn. Stat. § 524.3-803(a)(3) (providing a one-year statute-of-limitations period for claims arising before a decedent’s death), *with* Minn. Stat. § 524.3-803(b)(2) (2024) (providing a four-month statute-of-limitations period for claims arising “at or after the death of the decedent”). In the absence of findings of fact on which the district court’s determination is based, we are unable to conduct meaningful appellate review to assess which statute of limitations the district court intended to apply or the reason for its determination.

We therefore reverse and remand to the district court with instructions to identify what nephew's claim(s)—as opposed to the remedies nephew seeks—are. Then, for each recognized claim, the district court should make detailed, specific findings of fact setting forth the basis as to (1) when any claim arose; (2) which statute of limitations applies to each claim; (3) whether the personal representative's objection was timely, and the applicability of any exception; and (4) any other matter raised before the district court. Given the limited existing record, which we have described as “not reasonably clear,” *Quizhpi I*, 2025 WL 79116, at *2, and the factual inconsistencies central to the disputed issues in this matter, the district court may in its discretion allow for further development of the record to enable compliance with these instructions.

Reversed and remanded.