

*This opinion is nonprecedential except as provided by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
A25-0807**

In re the Guardianship and Conservatorship of Neal Rietveld.

**Filed February 17, 2026
Affirmed
Bratvold, Judge**

Itasca County District Court
File No. 31-PR-23-2665

Sandra Rietveld, Fargo, North Dakota (pro se appellant)

Diane Kaer, Apple Valley, Minnesota (pro se respondent)

Considered and decided by Schmidt, Presiding Judge; Bratvold, Judge; and Bentley,
Judge.

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

Appellant was the spouse of a protected person and seeks review of the district court's denial of her motion to reconsider a final accounting by respondent, the protected person's conservator. Because we conclude that the district court did not abuse its discretion in denying appellant's motion, we affirm.

FACTS

The protected person, Neal Rietveld, was once married to Martha Rietveld and had two children.¹ In February 2011, Neal and Martha dissolved their marriage. In February 2017, Neal executed a power of attorney naming Martha as his attorney-in-fact. In August 2017, Neal married appellant Sandra Rietveld. On July 21, 2023, Neal suffered a stroke. Neal was hospitalized and later resided at nursing-care facilities.²

In January 2024, Martha petitioned the district court to appoint her sister, respondent Diane Kaer, as emergency guardian and conservator of Neal. The district court granted Diane's emergency petition. In February 2024, Diane petitioned for general guardianship and conservatorship of Neal. Diane also moved for authorization to sell Neal's real and personal property to pay for his care. After a hearing, the district court granted Diane's petition and her motion. In October 2024, Diane sold Neal's property for \$374,090.75.

On December 13, 2024, Neal died. In February 2025, Diane petitioned the district court to terminate the guardianship and conservatorship, discharge her as guardian and conservator, and approve the final accounting. Diane's final accounting showed that she had transferred \$337,000 to a bank account the day before Neal died. On March 12, 2025,

¹ Several individuals share the last name "Rietveld." For ease of understanding, we refer to the parties by their first names.

² On July 18, 2023, Sandra petitioned to dissolve her marriage to Neal. After Neal's stroke, Sandra moved to dismiss the dissolution petition; the district court granted the motion and dismissed the petition in September 2023.

the conservator account auditing program prepared a report detailing some issues with the final accounting.

On March 17, 2025, the district court conducted a hearing on Diane's petition. Diane, Martha, and Sandra were present at the hearing. Diane confirmed that Neal's death "triggered" a transfer of the nonmarital account funds of \$337,000 to Neal's adult children, who were the account's payable-upon-death beneficiaries.

Martha agreed that the funds were properly transferred to Neal's children. Martha also stated that she was "listed in [Neal's] will as personal representative" of his estate.

The district court then asked Sandra if she had any concerns with the final accounting:

THE COURT: Anything you would like to address with the Court here today?

SANDRA: Yes. With Martha as personal representative—she stated that he had a will, but he did not have a will. So, I'm requesting that a neutral representative finish his estate.

THE COURT: That is not something that's before the Court here today. So, you know you can certainly say that but that's not something for me to address. So, I'm here on a different file and different issues here today. Okay.

SANDRA: Okay.

After this exchange, the district court found that "the issues that were raised in the conservator account auditing program report have been addressed and explained in a satisfactory way" and that it was "appropriate to enter or to accept the final account at this time and issue a final order."

At the end of the hearing, the following exchange occurred:

THE COURT: Anything else that the parties needed to address here today?

SANDRA: Yes, Your Honor. I did have some questions about her ledger that I would like to ask [Diane].

THE COURT: Well, that was your opportunity to speak when I went around and asked if you had anything to say, [Sandra]. So, I—you know the Court has already made its ruling. . . . I'll give you a few minutes I guess if you have questions, but I will intervene and stop the questioning if I find it's not relevant to what the Court is addressing here today. Okay.

SANDRA: Okay. I understand.

....

THE COURT: Okay. So go ahead and again if it's off base or the Court has already decided what it's going to do but I'll give you a little bit of leeway here for a minute or two.

SANDRA: [Diane], I would just like to ask where the missing checks are in your ledger—

THE COURT: Okay. I am going to intervene. That's what the Court was addressing with this conservator account auditing program report. So, they went in—

SANDRA: Uh-huh.

THE COURT: —they went in and did an audit of everything that had been done. So, those types of questions would have already been addressed by that. So, I'm not going to—

SANDRA: Okay.

THE COURT: —proceed with that line of questioning here today. Was there anything else you had a question about, [Sandra]?

SANDRA: No. I guess I didn't know anything about an audit having taken place, so.

THE COURT: Okay. All right. Well, thank you. Appreciate the parties appearing here today. And this matter will be adjourned.

On March 20, 2025, the district court filed a written order approving the final accounting and terminating the conservatorship.

On March 25, 2025, Sandra filed correspondence with the district court, including a “motion for supplemental pleading.” In her correspondence, Sandra stated that (1) Martha, acting as Neal's attorney-in-fact, executed an “unauthorized sale of marital assets”; (2) Diane “refus[ed] to return [Sandra's] personal property” after the sale of Neal's

home; and (3) Diane “was attempting to force” Neal and Sandra to get divorced. Sandra also requested (4) “an elective share” of Neal’s estate as well as “any supplemental shares she may be entitled to considering the circumstances.”

On March 31, 2025, the district court filed an order declining to address Sandra’s requests for relief. The district court found that “[t]his matter was closed and the conservator in this matter was discharged via an Order of the court dated March 20, 2025. The Final Account has been settled and allowed.” The district court also stated that the other family-law and estate issues raised in Sandra’s correspondence “are issues that would not and cannot be resolved in the above captioned [conservatorship] file.” The district court noted that “[n]othing in this Order precludes [Sandra] from addressing her issues in other court files if the issues would be relevant in a different type of proceeding.”

Sandra appeals.

DECISION

Sandra, who is self-represented, challenges the district court’s March 31 order declining to reconsider the final accounting of Neal’s conservatorship. Diane was served with Sandra’s brief and addendum but did not file a respondent’s brief. This court issued an order stating that the case “shall be determined on the merits.” *See* Minn. R. Civ. App. P. 142.03 (“If the respondent fails or neglects to serve and file its brief, the case shall be determined on the merits.”).

I. The district court did not abuse its discretion by declining to reconsider the final accounting.

Sandra argues that the district court disregarded her claim that Martha improperly sold marital assets. Because this claim seems to relate to the final accounting, we understand Sandra to challenge the district court's refusal to reconsider the final accounting.

"Motions to reconsider are prohibited except by express permission of the court, which will be granted only upon a showing of compelling circumstances." Minn. Gen. R. Prac. 115.11. A district court is likely to grant a motion to reconsider "only where intervening legal developments have occurred . . . or where the earlier decision is palpably wrong in some respect." Minn. Gen. R. Prac. 115.11 1997 advisory comm. cmt. Appellate courts review the denial of a motion to reconsider for an abuse of discretion. *State v. Allwine*, 963 N.W.2d 178, 190 (Minn. 2021).

Sandra did not request or receive express permission from the district court to move to reconsider the final accounting. That said, the district court considered Sandra's motion and declined to reconsider the final accounting in response to Sandra's belated claims about the sale of marital assets. The district court found that the "Final Account has been settled and allowed."

On appeal, Sandra does not explain the district court's error. An assignment of error in a brief "based on mere assertion" and not supported by argument or authority is forfeited "unless prejudicial error is obvious on mere inspection." *Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971). Sandra also failed to articulate how

she was prejudiced. We deny relief based on harmless error. *See* Minn. R. Civ. P. 61 (requiring harmless errors to be ignored).

Based on our review of the record, we discern no obvious error. At the March 17 hearing, the district court allowed Sandra to present any issues she had with the final accounting. And the only issue she did mention—“missing checks”—was addressed in the conservator account auditing program report. We conclude that Sandra has forfeited her challenges to the final accounting and that the district court did not abuse its discretion by denying Sandra’s motion to reconsider.

II. The district court did not abuse its discretion by declining to address issues not related to the final accounting.

Sandra raises issues that appear to be unrelated to the final accounting and argues that the district court ignored the issues. These unrelated issues are either moot or outside our scope of review.

First, Sandra argues that Diane “unlawfully” restricted Sandra’s access to Neal during the conservatorship and before his death. Sandra seems to assert that Diane “misuse[d]” her position as Neal’s conservator by “first implementing . . . excessive restrictions to force them apart,” then filing “for divorce in an attempt to force” Neal and Sandra “into something neither of them wanted.” Sandra also contends that Diane “willfully deceived” the district court in the marriage-dissolution proceedings by “hiding certain facts” about Neal’s health shortly before his death.

These issues are moot following Neal’s death. “The existence of a justiciable controversy is a prerequisite to adjudication.” *Izaak Walton League of Am. Endowment*,

Inc. v. State, Dep't of Nat. Res., 252 N.W.2d 852, 854 (Minn. 1977). Generally, a moot case is nonjusticiable. *Snell v. Walz*, 985 N.W.2d 277, 283 (Minn. 2023). Appellate courts should dismiss an issue as moot “when a decision on the merits is no longer necessary or an award of effective relief is no longer possible.” *Dean v. City of Winona*, 868 N.W.2d 1, 5 (Minn. 2015). Because this court cannot grant Sandra effective relief on the issues she raises, we dismiss these issues as moot.

Second, Sandra appears to argue that the district court erred in declining to address her request for an elective share of Neal’s estate. Specifically, Sandra asserts that “she did file in the correct file for probate.” Sandra explains that, “[u]pon receiving” the district court’s March 31 order, she “filed the application to be appointed [Neal’s] personal representative, with notice to heirs and proof of service to all parties.” Sandra also states that, “[t]hen on April 25th, 2025,” she tried “petitioning for an Elective Share but all 3 of her attempts were ignored and stopped by the court.”

Relatedly, Sandra argues that Diane, who is an attorney, violated the rules of professional conduct by lying about the existence of a will. *See* Minn. R. Prof. Conduct 3.3(a) (prohibiting attorneys from knowingly (1) making “a false statement of fact” to a district court, (2) failing “to correct a false statement” made to the court, and (3) offering evidence they know “to be false”). And Sandra argues that the district court “bypassed court procedure for verifying [Diane and Martha’s] claims of a will” and “violated” intestate-succession laws.

The probate issues Sandra raises in this appeal are outside the scope of our review of the March 31 order. “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.” Minn. R. Civ. App. P. 103.04. Because the March 31 order relates to the district court’s reconsideration of the final accounting in the conservatorship file—not the existence of a will or the distribution of Neal’s estate—we decline to review these issues on appeal.

III. Sandra is not entitled to relief based on her remaining arguments.

A. Many of Sandra’s arguments are raised for the first time on appeal.

Sandra raises many issues for the first time on appeal. For example, Sandra argues that the district court “erred in not holding [Diane] to account or giving disciplinary measures to prevent her from disobeying the rules.” Sandra also maintains that Diane and Martha “knowingly committed perjury” by telling the district court that Neal’s assets “were already distributed to the beneficiaries of his accounts, according to his will.” Generally, we decline to address issues not raised during district court proceedings. *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988). Because Sandra did not present these issues in her March 25 correspondence to the district court, we decline to address them for the first time on appeal.

B. Sandra did not show that the district court judge committed misconduct.

Sandra argues that the district court judge violated two judicial-conduct rules. Appellate courts review de novo whether a judge violated the code of judicial conduct.³

³ We note that Sandra did not raise any misconduct arguments against this judge in district court. Supreme court caselaw suggests that appellate courts review all claims of judicial misconduct de novo, even if asserted for the first time on appeal. *See State v. Reek*, 942 N.W.2d 148, 155-56 (Minn. 2020) (reviewing de novo a claim of judicial disqualification under the code of judicial conduct, even though the claim was raised for the first time on appeal).

State v. Dorsey, 701 N.W.2d 238, 246 (Minn. 2005); *see also Oswald v. Deyo*, No. A23-1553, 2024 WL 3755963, at *2 (Minn. App. Aug. 12, 2024) (applying *Dorsey* in the civil context).⁴ But appellate courts review the district court’s procedural and evidentiary rulings for abuse of discretion. *Braith v. Fischer*, 632 N.W.2d 716, 721 (Minn. App. 2001), *rev. denied* (Minn. Oct. 24, 2001). Sandra raises two issues that we address in turn.

1. Right to Be Heard

Sandra argues that the district court interfered with her right to be heard at the March 17 hearing. “A judge shall accord to every person who has a legal interest in a proceeding . . . the right to be heard according to law.” Minn. Code Jud. Conduct Rule 2.6(A). “The judge should generally refrain from intervening in the examination of witnesses or argument of counsel; however, the court shall intervene upon its own initiative to prevent a miscarriage of justice or obvious error of law.” Minn. Gen. R. Prac. 2.02(d).

At the hearing, the district court asked Sandra if there was anything she wanted to address with the court before its decision on the final accounting. Sandra responded that Neal “did not have a will” and requested that “a neutral representative finish his estate.” The district court told Sandra: “[Y]ou can certainly say that but that’s not something for me to address. So, I’m here on a different file and different issues here today.” The district court then approved the final accounting. When the district court asked the parties if they had anything further to address after its ruling on the accounting, Sandra asked “where the

⁴ Nonprecedential opinions are not binding on this court but “may be cited as persuasive authority.” Minn. R. Civ. App. P. 136.01, subd. 1(c).

missing checks are in [Diane's] ledger." The district court stopped Sandra because "those types of questions would have already been addressed by" the conservator account auditing program. Sandra responded that she "didn't know anything about an audit having taken place."

Our review of the record shows that the district court gave every interested party, including Sandra, one opportunity to challenge the final accounting. In response, Sandra did not raise any issues with Diane's final accounting and instead raised probate issues that were not properly before the district court. Even though the district court interrupted Sandra, it did so to prevent an "obvious error of law," which is permissible under the general rules of practice. *Id.* Because the district court judge respected Sandra's right to be heard at the March 17 hearing, we conclude that the judge did not violate rule 2.6(A).

2. Impartiality

Sandra also argues that there is "a strong appearance of an active kangaroo court being in session. A court that ignores the recognized standards of law and order." A judge must disqualify themselves "in any proceeding in which the judge's impartiality might reasonably be questioned." Minn. Code Jud. Conduct Rule 2.11(A). "Whether a judge's impartiality may reasonably be questioned is an objective consideration that evaluates whether a reasonable examiner, with full knowledge of the facts and circumstances, would question the judge's impartiality." *State v. Malone*, 963 N.W.2d 453, 464 (Minn. 2021) (quotation omitted).

In her brief, Sandra does not point to specific facts or circumstances that give an appearance of impropriety. An assignment of error in a brief "based on mere assertion" and

not supported by argument or authority is forfeited “unless prejudicial error is obvious on mere inspection.” *Schoepke*, 187 N.W.2d at 135. Our review of the record does not suggest any impropriety between the district court and the parties. Because prejudicial error is not obvious upon mere inspection of the record, we conclude that Sandra has forfeited this issue on appeal.

Affirmed.