

*This opinion is nonprecedential except as provided by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
A25-1130**

James A. Nilsson,
Respondent,

vs.

Jeannie Ball,
Appellant,

Jennifer Jean Ball,
Respondent.

**Filed May 11, 2026
Affirmed
Harris, Judge**

St. Louis County District Court
File No. 69DU-CV-15-2911

Gregory M. Erickson, Maxwell D. Becker, Mohrman, Kaardal & Erickson, P.A.,
Minneapolis, Minnesota (for respondent James A. Nilsson)

Jeannie Ball, Duluth, Minnesota (pro se appellant)

Miles Ringsred, Duluth, Minnesota (for respondent Jennifer Jean Ball)

Considered and decided by Harris, Presiding Judge; Reyes, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

HARRIS, Judge

In this trespass dispute, appellant argues that the district court erred by entering a judgment in favor of respondent and abused its discretion by admitting certain evidence

over her objection at trial. Because we discern no clear error or abuse of discretion by the district court, we affirm.

FACTS

In 1998, appellant Jeannie Ball¹ purchased property in St. Louis County. Ball moved into a mobile home and placed multiple sheds, fencing, and other miscellaneous items on the property. Ball also obtained a permit to construct and did construct a septic system on the property. In 2005, respondent James Nilsson purchased the adjoining property. In 2014, Nilsson conducted a survey of the property and determined that Ball's septic system, structures, and other belongings were located over the property line. Nilsson also suspected that Ball had been dumping garbage onto his property. Nilsson sent Ball a letter demanding the removal of these items. Ball refused, and Nilsson sued Ball for trespass.

In 2015, Nilsson moved for summary judgment on his trespass claim and to declare ownership of his property. In 2016, the district court granted Nilsson's motion and ordered Ball to remove her structures, garbage, and any improvements from Nilsson's property. In August 2017, we reversed, holding that there were genuine issues of material fact as to whether boundary by practical location applied under Minnesota Statutes section 508.671 (2016). *Nilsson v. Ball*, No. A17-0182, 2017 WL 3378874, at *2 n.2 (Minn. App. Aug. 7, 2017). We directed the district court to give Ball more time to have the common boundary

¹ Respondent Jennifer Jean Ball is not participating in this matter. Jennifer Jean Ball is Jeannie Ball's daughter and held the title to the property at the time of the dispute. Jeannie Ball is the only party pursuing the appeal.

lines judicially determined under section 508.671.² *Id.* We also noted that failure to comply with the requirements of section 508.671, or failure to seek a temporary stay from the district court to comply with section 508.671, could result in the dismissal of Ball's boundary-by-practical-location claim. *Id.*

On remand, the district court allowed Ball until January 2018 to assert a counterclaim for boundary by practical location and to comply with the applicable statutory requirements. In January 2018, Ball filed a counterclaim. After receiving Ball's counterclaim, the district court determined that Ball still had not complied with the requirements under section 508.671 and the matter was not ready for trial. To resolve this issue, the district court ordered an examiner's report from the St. Louis County Examiner of Titles to determine the issue of boundary by practical location and whether the case was properly before the court.

In March 2018, the examiner of titles issued its examiner's report. The examiner's report revealed that Ball no longer owned the property because Ball conveyed the property to her daughter via quitclaim deed. As such, the examiner recommended that the matter should not proceed until Ball's daughter was substituted as the petitioner. The district court dismissed Ball's counterclaim and added her daughter, respondent Jennifer Ball, as a party

² Under Minnesota Statutes section 508.671, an owner of registered land may petition the court to have all or some of the boundary lines judicially determined if the land has one or more common boundaries with an adjoining land owner. The owner filing the petition must file a certified copy of the petition with the registrar of titles and with the county recorder. The owner must also have the premises surveyed by a licensed land surveyor and file a plat of the survey showing the correct location of the boundary line or lines to be determined. Minn. Stat. § 508.671, subd. 1 (2016).

to the action. The district court also continued the matter to provide the Balls with an opportunity to comply with the requirements under section 508.671.³ Later, the examiner issued an amended report identifying Jennifer Ball as the fee simple owner and the only party with standing to pursue the boundary claim under section 508.671. Despite numerous continuances given by the district court, the Balls failed to comply with the requirements under the statute.

In 2022, Jennifer Ball sold the property. By this point, many of the larger items were removed from Nilsson's property, including Ball's mobile home, the septic tank, and sheds. The parties filed a joint stipulation for a continuance with the hope of obtaining a contractor to remove the septic mound and any remaining debris from Nilsson's property and to resolve the matter without further court involvement. The Balls offered names and estimates of contractors who could facilitate the removal, but Nilsson rejected the Balls' contractors. Nilsson chose his own contractor, D.J., who estimated that the cost for removal would be \$37,552.

A jury trial was eventually scheduled for February 2025. In January 2025, Nilsson filed a motion in limine to exclude all arguments and evidence regarding the boundary-by-practical-location claim at trial. Nilsson argued that, because Jennifer Ball sold the property, she no longer had standing to pursue a claim under section 508.671. Nilsson also argued that the Balls continuously failed to meet the requirements under section 508.671, despite having several years to do so, and would not be compliant by the time trial was set

³ We refer to Jennifer Ball and Jeannie Ball collectively as "the Balls."

to begin. The district court agreed, and excluded any evidence and testimony relating to the Balls' boundary-by-practical-location claim at trial. Since the Balls could no longer bring their boundary claim at trial, the Balls waived their right to a jury trial and agreed to a court trial.

At trial, the district court reiterated that it would only focus on whether "trespass happened or continued to happen during various periods of ownership." The district court determined that because the Balls did not provide a survey that complied with section 508.671, Nilsson's 2014 land survey served as the boundary line between the two properties.⁴ The district court heard testimony from seven witnesses and received several exhibits.

The district court concluded that Nilsson met his burden of proving trespass. First, the district court determined that the Balls intentionally caused objects to go onto Nilsson's land and did not remove the objects when they knew or should have known that they had a duty to remove them. The district court stated it was "quite evident" that the Balls were responsible for the trespass, and the Balls "neither knew nor cared where the property line was." Next, the district court found that D.J.'s estimate of \$37,522 was a fair and reasonable amount to repair the damage caused by the Balls. The district court found that the Balls submitted no credible testimony supporting the assertion that the removal could be done at a lower cost. And while joint and several liability was not discussed by the

⁴ Pursuant to the examiner's amended report, Ball submitted a 2019 survey to satisfy the requirements of section 508.671. The examiner determined that the 2019 survey did not satisfy the statutory requirements because it (1) was unsigned, (2) was a photocopy, not an original, (3) was illegible, and (4) did not show proposed locations for judicial landmarks.

parties at trial, the district court independently determined that the Balls were jointly and severally liable for Nilsson’s damages. Therefore, the district court entered a judgment in favor of Nilsson and ordered the Balls to pay \$37,522 in damages.⁵

Ball appeals.

DECISION

I. The district court’s credibility determinations and findings of fact were not clearly erroneous.⁶

Ball argues that Nilsson “prevented” her contractors from removing the septic mound and debris. Ball asserts that the matter could have been resolved, but Nilsson wrongfully rejected the contractors she suggested.

We review a district court’s findings of fact for clear error. *King’s Cove Marina, LLC v. Lambert Com. Constr. LLC*, 22 N.W.3d 581, 598 (Minn. App. 2025), *rev. denied* (Minn. Aug.12, 2025). “That is, we examine the record to see if there is reasonable evidence in the record to support the court’s findings.” *Rasmussen v. Two Harbors Fish Co.*, 832 N.W.2d 790, 797 (Minn. 2013) (quotation omitted). A finding is clearly erroneous if it is “manifestly contrary to the weight of the evidence or not reasonably supported by

⁵ The district court denied Nilsson’s motion to amend his complaint to include punitive damages, as well as his motion for attorney fees.

⁶ We note that the majority of Ball’s briefing attempts to relitigate the parties’ boundary dispute. The district court previously dismissed Ball’s boundary-dispute claim prior to trial for lack of standing under Minnesota Statutes section 508.671. The district court’s ruling was not challenged on appeal. Because Ball’s boundary-dispute claims are not properly before this court, we decline to address them. *See Thiele v. Stich*, 425 N.W.2d 580, 582-83 (Minn. 1988) (stating that appellate courts will not consider matters not argued and not considered by the district court).

the evidence as a whole.” *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021) (quotation omitted). “In applying the clear-error standard, we view the evidence in a light favorable to the findings.” *Id.* “[C]lear-error review does not permit an appellate court to weigh the evidence” nor does it “permit an appellate court to engage in fact-finding anew.” *Id.* at 221-22 (citations and quotations omitted).

The district court determined that despite Ball offering numerous contractors, Nilsson was entitled to select his own contractor based on the distrust between the parties, as well as prior death threats Nilsson received from Ball.

Nilsson submitted into the record numerous police reports against Ball relating to incidents between 2018 and 2020. The police reports noted that Ball had placed lawn signs on the parties’ adjoining fence stating, “stop harassing us James Nilsson,” “hate your next-door neighbor but don’t forget to say your grace,” and “leave us alone you life ruiner.” Ball also taped copies of court documents and emails on the adjoining fence, as well as information regarding Nilsson’s employer. In 2021, Ball was arrested and charged with terroristic threats against Nilsson. A search warrant of Ball’s cell phone revealed text messages Ball sent to a third party stating that Nilsson needed to be “executed,” that it was “time for him to die a miserable death,” and “die James Nilsson pig.” The district court’s findings of the contentious relationship between the parties are well-supported by the record. Thus, we conclude that the district court did not clearly err in finding that Nilsson established distrust between the parties and death threats by Ball.

Next, Ball argues that the district court erred in finding that Nilsson’s contractor provided a fair and reasonable estimate. Ball argues that D.J.’s estimate was “deceptive”

and inflated the price of removal without adequate explanation. Ball asserts that other contractors could “do the same work” at a lower cost. Ball also argues that D.J. falsely testified that the soil surrounding the septic mound was contaminated.

Generally, we defer to a district court’s credibility determinations because the district court is “in the best position to determine which witnesses are credible and to weigh the evidence.” *Haefele v. Haefele*, 621 N.W.2d 758, 763 (Minn. App. 2001), *rev. denied* (Minn. Feb. 21, 2001). Because appellate courts do not disturb a district court’s credibility determinations, our review is limited to whether the district court’s determinations are supported by the evidence as a whole. *See Kenney*, 963 N.W.2d at 221.

The district court determined that D.J.’s estimate of \$37,522 was a fair and reasonable amount to repair the damage caused by Ball’s trespass. The district court concluded that Ball failed to provide credible testimony to support her assertion that the work could be performed at a lower cost. The district court also found D.J.’s testimony regarding the difficulty of removing contaminated soil from septic mounds to be credible.

The district court’s credibility determinations are supported by the record. At trial, D.J. testified that he specialized in excavation and had over 29 years of septic system experience. D.J. testified that, when he first visited the property in 2015, he provided Nilsson with a lower estimate. But when he revisited the property in 2024, the land was overgrown, creating a more “surgical, time-consuming process” to remove the debris. D.J. testified that his estimate increased from 2015 to 2024 based on several factors, including inflation, labor, cost of materials, his level of expertise, and how “significant” the job would be. As for the septic mound, D.J. explained that exposure to sewage water could

contaminate the soil surrounding the septic mound. D.J. testified that the soil must be tested for potential contamination before it can be safely removed. D.J. noted that his estimates always account for the possibility of soil contamination.

Ball's brother, T.H., also testified. T.H. stated that he was a waterproofing and landscaping contractor and was familiar with the property. T.H. had no prior experience with removing septic mounds or debris but estimated that the job would cost approximately \$7,000. T.H. stated that he could not "understand" why D.J.'s estimate was significantly higher than his. T.H. testified that he did not observe the septic mound before providing Ball with an estimate because he "kn[e]w the whole mound thing very well." The district court found T.H. not credible. We conclude that the district court's credibility findings regarding D.J. and T.H. are supported by the record and are not clearly erroneous.

Ball lastly argues that the district court erred in finding Nilsson's testimony credible. Specifically, Ball asserts that Nilsson falsely testified about when the septic mound was installed.

Nilsson testified that when he purchased the property in 2005, he walked along the property line but did not see the septic mound. Nilsson only observed a septic holding tank. Nilsson stated that the septic mound was fully installed on his property shortly after he moved in. Ball argues that Nilsson's testimony was untruthful because she had the septic mound installed in 1999, before he purchased the adjoining property. But the district court determined that Nilsson's testimony was credible, and we must defer to its credibility determinations. *See Sefkow v. Sefkow*, 427 N.W.2d 203, 210 (Minn. 1988) ("Deference must be given to the opportunity of the [district] court to assess the credibility of the

witnesses.”); *see also* Minn. R. Civ. P. 52.01 (stating that “due regard shall be given to the opportunity of the [district] court to judge the credibility of the witnesses”). Furthermore, Ball fails to demonstrate the legal significance of the distinction she seeks to draw. The exact date of when the septic mound was installed ignores the fact that Ball’s structure trespassed onto Nilsson’s property.

Accordingly, we conclude that the district court’s findings of fact were not clearly erroneous.

II. The district court did not abuse its discretion by admitting evidence of a land survey, photos, and a police report over Ball’s objection at trial.

Ball asserts that the district court abused its discretion by admitting certain evidence over her objection at trial. Ball contests the admission of: (1) a land survey, (2) photos of the septic mound and debris, and (3) a police report containing text messages of Ball threatening Nilsson.

The district court is given great latitude in its evidentiary rulings. *Peterson v. BASF Corp.*, 711 N.W.2d 470, 482 (Minn. 2006) “By their very nature, evidentiary rules demand a case by case analysis, an analysis best left to the [district court] judge familiar with the setting of the case.” *Doe 136 v. Liebsch*, 872 N.W.2d 875, 879 (Minn. 2015) (quotation omitted). “We afford the district court broad discretion when ruling on evidentiary matters, and we will not reverse the district court absent an abuse of that discretion.” *Id.* (quotation omitted). “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 facts on the record.” *Bender v. Bernhard*, 971 N.W.2d 257, 262 (Minn. 2022) (quotation omitted).

Ball first argues that the district court abused its discretion by admitting the St. Louis County survey into evidence over her objection. Ball appears to suggest that the St. Louis County survey is erroneous and inaccurate. We are not persuaded.

The district court found that, because Ball failed to obtain a survey that complied with Minnesota Statutes section 508.671, the boundary line contained in the St. Louis County survey would serve as the boundary line between the two properties. The record demonstrates that Ball had numerous opportunities to obtain a survey that complied with the statute. When Ball did obtain a survey in 2019, the examiner of titles determined that it did not satisfy the statutory requirements under section 508.671 because it was not signed, it was a photocopy and not the original, it was illegible, and it did not show proposed locations for judicial landmarks. Ball did not cure the survey’s deficiencies.

We also conclude that the district court did not err in determining that the St. Louis County’s survey was admissible under the public-records exception. Under the public-records exception, “records, reports, statements, or data compilations . . . of public offices or agencies, setting forth . . . the activities of the office or agency” are not excluded as evidence “[u]nless the sources of information or other circumstances indicate lack of trustworthiness.” Minn. R. Evid. 803(8). Here, the survey was filed with the St. Louis County Surveyor’s office, a public office. The survey also documents Nilsson’s land parcel, which is an activity of the surveyor’s office. Accordingly, the district court did not abuse its discretion by admitting the St. Louis County survey.

Next, Ball argues that the district court abused its discretion by admitting photos of the septic mound and debris on Nilsson's property. At trial, Ball objected to the photos of the septic mound because the photos did not depict where the septic mound was located. We remain unpersuaded.

"Authentication of evidence in civil . . . trials is governed by Rule 901 of the Minnesota Rules of Evidence." *In re Welfare of S.A.M.*, 570 N.W.2d 162, 164 (Minn. App. 1997); Minn. R. Evid. 1101(a) (applying rules of evidence to all Minnesota court proceedings). Minn. R. Evid. 901(a) requires "authentication or identification as a condition precedent to admissibility," which "is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims." One type of authentication is testimony of a witness with knowledge that the evidence "is what it is claimed to be." Minn. R. Evid. 901(b)(1). This type of authentication is appropriate for evidence such as photographs if a witness confirms that the evidence is a "representation of what the witness observed." *S.A.M.*, 570 N.W.2d at 164.

At trial, Nilsson moved to admit an aerial photo he obtained of the structures trespassing on his property. Nilsson testified that the photo was a fair and accurate representation of the trespassing structures and that he obtained the photo. Nilsson also moved to admit photos of the septic mound and vent pipes. Nilsson identified the septic mound and vent pipes in the photos, described where they were located, and testified that he took the photographs. The record establishes that Nilsson sufficiently authenticated the photographs admitted at trial. Therefore, we discern no abuse of discretion by the district court in admitting the photographs.

Lastly, Ball argues that the district court abused its discretion by admitting a police report containing text messages of Ball threatening Nilsson. But Ball did not object to its admission at trial.

Failure to object to the admission of evidence generally constitutes waiver of the right to appeal on that basis. *Town of Forest Lake v. Minn. Mun. Bd.*, 497 N.W.2d 289, 290 (Minn. App. 1993), *rev. denied* (Minn. April 29, 1993). “If allegedly improper or prejudicial evidence has been admitted without objection, a party may not object to its admissibility for the first time in a motion for a new trial or on appeal.” *In re Welfare of F.F.N.M.*, 999 N.W.2d 525, 544 (Minn. App. 2023), *rev. denied* (Minn. Jan. 5, 2024) (quotation omitted).

At trial, Jennifer Ball was represented by an attorney, while Ball was self-represented. When Nilsson moved to introduce evidence of the police report, the attorney objected to its admission but Ball did not. As such, Ball failed to preserve this evidentiary objection and may not challenge the district court’s admission of the police report for the first time on appeal. *See State v. Vasquez*, 912 N.W.2d 642, 649 (Minn. 2018) (“Appellate review of an evidentiary issue is forfeited when a defendant fails to object to the admission of evidence.”).

Affirmed.