

*This opinion is nonprecedential except as provided by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
A25-1240**

In re the Marriage of:

Michael Raymond Baer, petitioner,
Respondent,

vs.

Kelley Michelle Baer,
Appellant.

**Filed May 18, 2026
Affirmed
Reyes, Judge**

Blue Earth County District Court
File No. 07-FA-22-4429

Kezia Smith, Killion Smith Law Firm, Mankato, Minnesota (for respondent)

Jacob M. Birkholz, Birkholz & Associates, LLC, Mankato, Minnesota (for appellant)

Considered and decided by Reyes, Presiding Judge; Connolly, Judge; and Jesson,
Judge.*

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

NONPRECEDENTIAL OPINION

REYES, Judge

Appellant argues that the district court abused its discretion when dissolving the parties' marriage by (1) inequitably dividing marital assets and debt; (2) denying her transitional maintenance and need-based attorney fees; and (3) limiting discovery. We affirm.

FACTS

Appellant Kelley Michelle Baer (wife) and respondent Michael Raymond Baer (husband) were married in April 2014. Husband served wife with a petition for dissolution in September 2022.

Husband works on a road-construction crew and is often out of state on work assignments. Wife worked sporadically during the marriage. With some degree of frequency, while husband worked out of state, wife obtained ex parte orders for protection (OFPs), which she then offered to stop pursuing in exchange for husband's agreement to pay her. At one point, while husband worked out of state, wife obtained an ex parte OFP that husband did not dispute. That order remained in place for two years until wife offered to request that the district court terminate it in exchange for husband paying her bail.

In 2021, the parties allowed husband's brother (brother) to stay with them at the parties' rented residence in Minnesota. Husband testified that he spent Christmas 2021 at the home and then returned to work in Texas. In early September 2022, wife served husband in Texas with the most recent OFP. Because of this, the last time husband spent

time in the marital home was December 2021, and he left with nothing but his suitcase filled with work clothing. Both husband and wife testified that wife agreed to voluntarily dismiss the OFP in exchange for husband's agreement to support wife by paying the rent and utilities on the marital home throughout the pendency of the dissolution. However, he would not reside there and would have minimal contact with wife.

In December 2022, wife gave birth to a child. Wife testified that this child is not husband's child but refused to divulge information to the district court regarding the child's paternity other than that husband was not the father.¹ She also testified that she has not sought support from the child's biological father. The district court determined that the presumption of parentage due to the parties' marriage had been rebutted. Brother has continued living in the marital residence with wife and wife's child. In July 2025, the district court entered a judgment and decree (J&D) dissolving the marriage.

This appeal follows.

DECISION

Wife argues that the district court abused its discretion by (1) inequitably dividing marital assets and debt; (2) denying her transitional maintenance and need-based attorney fees; and (3) limiting discovery.

¹ Husband testified that he "found out [wife] had a [child] in December with [his] brother," and that brother and wife were now "living as a family in the house" with the child.

I. The district court did not abuse its discretion by inequitably dividing marital assets and debts because its findings were not clearly erroneous.

Wife argues that the district court abused its discretion by (1) failing to set a valuation date for marital assets; (2) inequitably dividing the parties' personal property; (3) inequitably dividing the parties' debt; and (4) awarding husband's entire pension to husband. We are not persuaded.

A district court has "broad discretion regarding the division of property" in dissolution cases. *Lee v. Lee*, 775 N.W.2d 631, 637 (Minn. 2009). "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 the facts on [the] record." *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022) (quotation omitted). Appellate courts "defer[] to and [do] not reassess the district court's credibility determinations." *Hagen v. Schirmers*, 783 N.W.2d 212, 215 (Minn. App. 2010).

When reviewing factual findings for clear error, "[appellate courts] view the evidence in a light favorable to the findings," do not find facts, do not "reweigh evidence," and do not "reconcile conflicting evidence." *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221-22 (Minn. 2021) (quotation omitted); *see also Ewald v. Nedrebo*, 999 N.W.2d 546, 552 (Minn. App. 2023) (applying *Kenney* in family law appeal), *rev. denied* (Minn. Feb. 28, 2024). "We will not conclude that a factfinder clearly erred unless, on the entire evidence, we are left with a definite and firm conviction that a mistake has been committed." *Kenney*, 963 N.W.2d at 221 (quotation omitted).

Valuation Date

Wife first argues that the district court abused its discretion by failing to set a valuation date for the parties' property. Minnesota statutes section 518.58, subdivision 1 (2024), requires a district court to "value marital assets for purposes of division between the parties as of the day of the initially scheduled prehearing settlement conference, unless a different date is agreed upon by the parties" or "the [district] court makes specific findings that another date of valuation is fair and equitable." *See also Wopata v. Wopata*, 498 N.W.2d 478, 485 (Minn. App. 1993) (remanding for additional findings when district court's errors included failure to state valuation date and record held no evidence of value on statutorily presumed date).

The district court did not state the valuation date in the J&D. However, at trial, it stated that it expected the valuation date to be the statutorily presumed date, which was January 29, 2024. Furthermore, testimony at trial regarding valuation of personal property focused on the value as of January 2024. We discern no abuse of discretion by the district court because it used the statutorily presumed valuation date.

Division of Personal Property

Wife next claims that the district court abused its discretion by inequitably dividing the parties' personal property because it (1) made clearly erroneous findings about dissipation of the marital assets; (2) failed to consider husband's firearms in the J&D; and (3) awarded her no personal property.

When determining division of property, the district court "shall base its findings on all relevant factors" and shall "consider the contribution of each [spouse] in the acquisition,

preservation, depreciation[,] or appreciation in the amount or value of the marital property.” Minn. Stat. § 518.58, subd. 1. “A [district] court has broad discretion in evaluating and dividing property in a marital dissolution. . . .” *Antone v. Antone*, 645 N.W.2d 96, 100 (Minn. 2002). However, the district court’s division of “rights and liabilities” should be “guided by equitable considerations.” *Hattstrom v. Hattstrom*, 385 N.W.2d 332, 337 (Minn. App. 1986) (quotation omitted), *rev. denied* (Minn. June 30, 1986); *see also* Minn. Stat. § 518.58, subd. 1 (requiring that district court “make a just and equitable division of the marital property”). We will affirm a division of property so long as the division has “an equitable basis in fact and principle.” *Antone*, 645 N.W.2d at 100.

Wife first contends that the district court made clearly erroneous factual findings that she dissipated marital assets. In particular, she disputes the district court’s finding that the landlord of the marital home “testified that the home has been damaged significantly and that it needs significant repairs since Wife has lived there without Husband.” The landlord testified at trial that he saw pictures of the home in an appraisal and “it’s totally destroyed,” it has “windows that are boarded up,” “somebody cut a chimney into our garage,” and “there’s tiles missing in the bathroom.” The landlord testified that the home was appraised after husband no longer lived there. The district court found this testimony credible.

Wife also disputes the district court’s finding that she “testified that she crashed two of the parties’ marital vehicles and did not have them insured. . . . Wife . . . has outright destroyed two vehicles.” At trial, wife testified that husband removed the insurance from the parties’ 2005 Ford F-350 Lariat, but she only discovered that after she “totaled the front

end when [she] hit three deer that were crossing the road.” She further testified that a 2009 Honda Accord “was also totaled with a deer.” Husband testified that the Ford “had no insurance on it when [he] left for Texas [because] that was the vehicle [he] drove,” explaining that the vehicle “sat in [his] yard with no insurance.” Husband testified that he only discovered that wife purchased the Honda when his brother told him “accidentally.” We conclude that the district court’s findings are supported in the record and are therefore not clearly erroneous.

Second, wife contends that the “[district] court failed to make any reference to [h]usband’s firearms” and asserts that husband did not introduce evidence of them at trial but admitted he had them. The record directly contradicts these claims. The J&D states that “[a]ny and all guns belonging to the parties should be provided to [h]usband within [ten] days of the order.” Furthermore, the colloquy that wife quotes in her brief, which she asserts shows that husband testified that he forgot about the guns, did not show them to the auctioneer, and had no intention of keeping them, is actually a colloquy in which *wife* testified that she had done these things.

Third, wife contends that the district court awarded her no personal property. Both parties submitted valuations of personal property to the district court. When determining which valuation to adopt, the district court found that wife had remained in the marital home during the pendency of the proceedings, that husband had not returned to the home during that time.

The district court heard testimony regarding the disposition of personal property left in the home, including testimony from husband regarding the value of various items of

personal property that he had purchased “within 24 months of the proceedings.” The district court credited the testimony of an auctioneer, who appraised the parties’ personal property and testified that the condition of the remaining property was the main factor affecting their value. Wife testified that the parties’ various items of personal property were in her possession, were destroyed, or had been sold by her. After hearing testimony from both sides, the district court adopted the values provided in the valuation of personal property submitted by husband.

The district court also found that, “[w]hile residing with [w]ife, [h]usband received a personal injury settlement in the amount of \$100,000. The entire amount was spent within months, with many of the items purchased included on Exhibit 8.” It determined that “all personal property has remained with Wife and is being assigned to [her].” Despite wife’s claim to the contrary, the record shows that wife received all of the parties’ personal property except for a few specific items listed in the J&D.

We conclude that the district court did not abuse its discretion in its division of personal property because its findings were supported by the record, it considered husband’s firearms, and its division was just and equitable and based on each party’s contribution to the acquisition or dissipation of marital assets. *See* Minn. Stat. § 518.58, subd. 1.

Division of Debt

Wife argues that the district court abused its discretion by awarding each party their own debts because this resulted in an inequitable division of debt in which she retained all the parties’ debt without the benefit of an equalizer payment. The district court awarded

each party one of the marital vehicles, along with its corresponding vehicle loan. It also awarded each party “any debt in their own name not otherwise listed.”

Wife testified that she owed thousands of dollars to brother and to her own sisters for living expenses incurred during the dissolution; expenses that she claimed should have been paid by husband. The district court did not find that testimony credible because the same individuals had “previously gifted [w]ife money for similar expenses without the expectation of being repaid,” calling into question whether the money was really a loan. The district court also found that the money provided to wife by brother was not a loan, explaining that wife “characterizes money given to her from [brother] as a loan but [it] is unreasonable that [brother] does not contribute towards the expenses at the home” in which he lives with wife. We defer to the district court’s credibility determinations and discern no abuse of discretion regarding the division of marital debts. *See Wilson v. Wilson*, 11 N.W.3d 331, 337 (Minn. App. 2024), *rev. denied* (Minn. Dec. 17, 2024).

Husband’s Pension

Lastly, wife argues that the district court abused its discretion by awarding husband his entire pension. The district court determined that the benefits of dividing husband’s \$7,301 pension were “*de minimus* and not worth the expenses of dividing them in light of the additional findings made herein.” The district court found that wife received \$12,244 from the parties’ joint tax return refunds in 2022 for tax years 2016-2021 and \$3,500 in tax-return refunds from the parties’ 2022 tax return in 2023. Because the district court made findings that wife dissipated marital assets and received more than her share of

marital funds after the parties had separated, we discern no abuse of discretion in its determination that husband should receive the full amount of his pension.

II. The district court did not abuse its discretion by denying wife spousal maintenance and need-based attorney fees.

Wife next argues that the district court abused its discretion by denying her “any temporary, transitional, or indefinite spousal maintenance” and by failing to award her need-based attorney fees. We disagree.

Spousal maintenance is an award of “payments from the future income or earnings of one spouse for the support and maintenance of the other.” Minn. Stat. § 518.003, subd. 3a (2024). “An award of spousal maintenance depends on a showing of need.” *Honke v. Honke*, 960 N.W.2d 261, 266 (Minn. 2021) (quotation omitted). Spousal maintenance is appropriate, as relevant here, when a spouse cannot “provide for reasonable needs” or “is unable to provide adequate self-support.” Minn. Stat. § 518.552, subd. 1(a), (b) (2024). However, even an unemployable spouse “is not by that fact alone necessarily entitled to maintenance”; “a showing of need” is still required. *Lyon v. Lyon*, 439 N.W.2d 18, 22 (Minn. 1989).

We review a district court’s decision concerning the amount and duration of an award of spousal maintenance for an abuse of discretion. *Erlandson v. Erlandson*, 318 N.W.2d 36, 38 (Minn. 1982); *Schmidt v. Schmidt*, 964 N.W.2d 221, 226 (Minn. App. 2021). “A district court abuses its discretion if its findings are unsupported by the record or if it misapplies the law.” *Dahl v. Dahl*, 765 N.W.2d 118, 123 (Minn. App. 2009). “A district court’s determination of income for maintenance purposes is a finding of fact and

is not set aside unless clearly erroneous.” *Melius v. Melius*, 765 N.W.2d 411, 414 (Minn. App. 2009) (quotation omitted).

Spousal Maintenance

Wife contends that the district court (1) erred by not starting with the presumption that transitional maintenance should be awarded and (2) made clearly erroneous factual findings on her potential income.

For an eight-year marriage, “it is rebuttably presumed that transitional maintenance should be awarded with a duration of no longer than [four years] if the factors set forth in subdivision 1 support an award of maintenance.” Minn. Stat. § 518.552, subd 3(c)(2) (2024). The district court found that “any presumption for maintenance has been rebutted,” demonstrating that it properly started with the presumption. It stated that “[w]ife has essentially received transitional spousal maintenance from November of 2021 through May 19, 2025,” support that “should have allowed [w]ife more than ample time to retain employment or obtain education,” and denied wife any further transitional maintenance.

“If a party requests spousal maintenance, a district court must engage in a two-step analysis.” *Madden v. Madden*, 923 N.W.2d 688, 695 (Minn. App. 2019). The first step is a “threshold inquiry” into “whether the party seeking spousal maintenance has demonstrated a ‘showing of need.’” *Id.* (quoting *Curtis v. Curtis*, 887 N.W.2d 249, 252 (Minn. 2016)). A party shows need if “the party is unable to provide for [their] reasonable expenses through employment income or investment income or a combination of both.” *Id.* at 695. Second, if a party shows need, the district court may award spousal maintenance “in amounts and for periods of time, either transitional or indefinite, as the court deems

just, . . . after considering all relevant factors.” Minn. Stat. § 518.552, subd. 2 (2024); *see also Erlandson*, 318 N.W.2d at 39-40.

Wife did not provide sufficient information to make the threshold showing of need. The district court found that wife “did not provide any evidence of her income or resources for 2024.” The record supports this finding. Regarding cattle that the parties owned, wife repeatedly testified that she did not know how much she sold them for, how many she sold, or how much money she made. She also could not clearly answer questions about any support she receives for her child, nor about how much support she receives from governmental agencies and other people in her life, including brother, with whom she lives. The district court found that she “was either unable or unwilling to provide information on income” and that she was unable to provide “evidence that she is unemployable.” This is a credibility determination to which we defer. *Wilson*, 11 N.W.3d at 337. “On appeal, a party cannot complain about a district court’s failure to rule in her favor when one of the reasons it did not do so is because that party failed to provide the district court with the evidence that would allow the district court to fully address the question.” *Eisenschenk v. Eisenschenk*, 668 N.W.2d 235, 243 (Minn. App. 2003), *rev. denied* (Minn. Nov. 25, 2003).

Because the district court’s findings are not clearly erroneous and wife provided insufficient information to show need, we conclude that the district court did not abuse its discretion by not awarding spousal maintenance.

Need-Based Attorney Fees

Wife also argues that the district court abused its discretion by failing to award need-based attorney fees under Minnesota Statutes section 518.14, subdivision 1 (2024). The

district court is required to “award attorney fees, costs, and disbursements” if it finds, as relevant here, that “that the party from whom fees . . . are sought has the means to pay them” and “the party to whom fees . . . are awarded does not have the means to pay them.” *Id.*, subd. 1(2), (3).

Wife alleges two errors. First, wife argues that the district court failed to make findings regarding why husband’s “substantial income” is insufficient to cover his own expenses and need-based attorney fees for wife. The district court received into evidence copies of husband’s tax returns for 2024 and each year between 2019 and 2022. It found that husband had various financial obligations and an outstanding attorney bill of \$25,000 and that the amount would likely “significantly increase following the evidentiary hearing.” The district court then determined that husband “does not have the means to pay for any of [w]ife’s attorney fees. . . . Husband’s reasonable expenses, not to mention his own attorney[] fees incurred in this proceeding, do not permit him to contribute to [w]ife’s attorney fees.”

Second, wife argues that the district court abused its discretion by determining that her “reasonable budget is lower than her net income and she has the means to pay her own attorney fees.” The district court found that wife’s reasonable monthly expenses are \$2,640 and that wife could earn a gross wage of about \$2,600 per month based on her testimony at trial. It noted that she had “demonstrated a consistent ability to obtain significant resources through employment, relationships, and sale of property,” demonstrating “an ability to obtain more than sufficient resources to meet her reasonable monthly expenses.” As we discussed regarding spousal maintenance, wife was not forthcoming with her full

income, so she cannot now complain that the district court did not rule in her favor when she failed to provide the evidence that would have allowed it to fully address the issue. *Eisenschenk*, 668 N.W.2d at 243.

We conclude that the district court did not abuse its discretion by denying wife spousal maintenance and need-based attorney fees.

II. The district court did not abuse its discretion by limiting discovery.

Lastly, wife argues that the district court abused its discretion by denying her motion to compel discovery and failing to award attorney fees for the motion to compel. Wife's argument is unavailing.

“If a party fails to make a disclosure required by Rule 26.01, any other party may move to compel disclosure and for appropriate sanctions.” Minn. R. Civ. P. 37.01(b)(1). Appellate courts will not disturb a district court's decision to grant or deny discovery requests “unless the [district] court abused its discretion, exercised its discretion in an arbitrary or capricious manner, or based its ruling on an erroneous view of the law.” *1300 Nicollet, LLC v. County of Hennepin*, 990 N.W.2d 422, 431 (Minn. 2023) (quotation omitted). Denial of a motion to compel discovery is not an abuse of discretion when the district court finds that the nonmoving party substantially responded and the moving party has not shown how information produced was insufficient. *In re Tr. Created by Hill*, 499 N.W.2d 475, 490 (Minn. App. 1993), *rev. denied* (Minn. July 15, 1993).

On April 21, 2025, wife filed a notice of motion and motion, claiming multiple requested discovery items were missing. The district court's order deciding the motion noted that a scheduling order issued on October 30, 2023, required that all motions in

limine “be filed at least two weeks before the pretrial hearing and shall be heard at the pretrial hearing.” The district court found that it held the pretrial conference on December 12, 2024, at which time “both parties were in attendance, and neither party raised any discovery issues.” In addition, the district court found that wife had failed to prove that husband insufficiently responded to her discovery requests. The district court therefore denied the motion to compel and denied attorney fees as a result.

After thoroughly reviewing the record, we discern no abuse of discretion in the district court’s decision to deny wife’s motion to compel additional discovery.

Affirmed.