This opinion is nonprecedential except as provided by Minn.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
A25-1359

Bank of America, N.A.,
Respondent,

vs.

Jayson Gilbertson,
Appellant.

Filed August 3, 2026
Affirmed
Harris, Judge

Scott County District Court
File No. 70-CV-25-5655

Derrick N. Weber, Stephen M. Kaminsky, Messerli & Kramer, P.A., Plymouth, Minnesota (for respondent)

Jayson Gilbertson, Prior Lake, Minnesota (self-represented appellant)

Considered and decided by Smith, Tracy M., Presiding Judge; Harris, Judge; and Beane, Judge.

NONPRECEDENTIAL OPINION

HARRIS, Judge

Following the district court granting summary judgment in favor of respondent, appellant argues that: (1) the district court erred by adjudicating matters that were not properly before it, (2) the district court erred by making a ruling while issues concerning his rejected finding remained unresolved, and (3) we should vacate the district court's order and remand for further proceedings because the record on appeal is insufficient to permit meaningful appellate review of the district court's decision. We affirm.

FACTS

Respondent Bank of America N.A. sued appellant Jayson Gilbertson, asserting that Gilbertson breached the parties' consumer credit agreement by failing to make periodic payments. Bank of America then moved for summary judgment, contending that there were no genuine issues of material fact that Gilbertson failed to make the required payments, defaulted, and was liable for the outstanding balance and costs. Gilbertson filed an affidavit in response to the complaint but submitted no other documents or otherwise respond to Bank of America's summary-judgment motion in writing. Court administration rejected Gilbertson's affidavit for failure to pay the filing fee and provided Gilbertson with a deficiency notice. After a motion hearing, the district court granted summary judgment to Bank of America.[1] Gilbertson appeals.

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[1] On September 22, 2025, after Gilbertson filed his notice of appeal, the district court issued a written order denying Gilbertson's claim that he was exempt from garnishment of levy of execution. Although Gilbertson filed related correspondence and Bank of America filed a creditor's objection to the exemption claim, Gilbertson asserts that he never requested an exemption determination and alleges that the district court acted improperly by addressing the exemption issue. Gilbertson also requested the recording from the summary-judgment motion hearing, which occurred via the Zoom video-conferencing platform. He maintained that the recording was necessary to verify the accuracy of the transcript, identify omitted portions of the proceeding, and prepare for the pending appeal. The district court denied Gilbertson's request, citing Minnesota Rule of Public Access to Records of the Judicial Branch 4, subdivision 3, which designates the transcript, not the recording, as the official record of the proceedings, and outlines the situations when playing back a recording is permitted. Gilbertson then moved this court to correct or supplement the record with the recording. We denied Gilbertson's request because he did not file the appropriate motion in district court under Minnesota Rule of Civil Procedure 110.05, which states that "[i]f any difference arises as to whether the record truly discloses what occurred in the trial

DECISION

Gilbertson challenges the district court's summary-judgment decision. He does not challenge the merits of the ruling but asserts that we should reverse and remand because there were multiple procedural irregularities with the district court proceedings. He maintains that (1) the district court adjudicated matters that were not properly before it, (2) the district court made a ruling while issues concerning his rejected filings remained unresolved, and (3) the record on appeal is insufficient to permit meaningful appellate review of the district court's decision. We begin with the issue concerning the adequacy of the record for meaningful review and then address Gilbertson's remaining arguments.

I. Gilbertson's challenges to the record do not render it inadequate for meaningful appellate review.

We begin by addressing Gilbertson's argument that the record does not permit meaningful appellate review. Gilbertson contends that the record contains "multiple deficiencies" that prevent meaningful appellate review. He maintains that a "docketed sworn filing" became inaccessible on Minnesota Court Records Online (MCRO) and that the transcript of the summary-judgment motion hearing is incomplete and inaccurate.

The record on appeal consists of "documents filed in the trial court, the exhibits, and the transcript of the proceedings, if any." Minn. R. Civ. App. P. 110.01. It is the appellant's burden to provide an adequate record for appeal. *Mesenbourg v. Mesenbourg*, 538 N.W.2d 489, 494 (Minn. App. 1995). The record must be "sufficient to show the alleged errors and

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court, the difference shall be submitted to and determined by the trial court and the record made to conform."

all matters necessary for consideration of the questions presented." *Truesdale v. Friedman*, 127 N.W.2d 277, 279 (Minn. 1964). In addition, we do not presume error. *Waters v. Fiebelkorn*, 13 N.W.2d 461, 464-65 (Minn. 1944). Error "must be made to appear affirmatively before there can be reversal . . . [and] the burden of showing error rests upon the one who relies upon it." *Id.*

Gilbertson does not explain which document is no longer accessible on MCRO, nor does he explain which portions of the transcript are disputed.[2] He also does not identify how these alleged deficiencies in the record undermine the district court's summary-judgment decision beyond the broad assertions that "the unresolved issues regarding missing docketed materials and transcript verification prevent this [c]ourt from confidently assessing the scope of adjudication, the treatment of filings, and the basis for the district court's rulings," and that because "the record does not reliably reflect what materials were before the district court or what occurred at [the] hearing, [this court] cannot determine whether alleged errors were harmless or whether they affected the proceedings [in district court]." Because it is Gilbertson's burden to demonstrate error, and he did not adequately brief his challenge to the record and no prejudicial error is obvious, we consider Gilbertson's challenges to the record forfeited. *See Schoepke v. Alexander Smith & Sons Carpet Co.*, 187 N.W.2d 133, 135 (Minn. 1971) (stating a "mere assertion" in a brief is forfeited unless prejudice is obvious).

[2] Assuming that the "docketed sworn filing" that Gilbertson references in his appellate brief is the same document identified in a motion to correct the record in district court—Affidavit (Index #7)—this document appears in the appellate record and is currently available on MCRO.

II. Gilbertson did not demonstrate that the district court erred by entering judgment for Bank of America before resolving other filings in the record.

Next, Gilbertson asserts that the district court erred by making dispositive rulings before resolving his rejected filings.[3] He argues that "[p]rocedural regularity requires that filings accepted into the record be resolved before the court enters dispositive findings" to "ensure[] that the scope of adjudication is clear, that the parties understand what materials were considered, and that an appellate court can meaningfully review the decision-making process."

Like his argument related to the adequacy of the record on appeal, Gilbertson did not include sufficient detail in his argument to demonstrate error. Gilbertson did not identify, and we are unable to discern, which submissions he asserts the district court should have resolved before granting Bank of America's motion.[4] And Gilbertson did not support his argument with sufficient legal analysis or authority. *See id.* Gilbertson also did not present this argument to the district court. *See Thiele v. Stich*, 425 N.W.2d 580, 582-83 (Minn. 1998) (stating that appellate courts address only those questions previously presented to and considered by district court and a party cannot obtain review by raising same issue on appeal that was litigated in district court under new theory). For these reasons, we conclude that this argument is also forfeited.

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[3] It seems Gilbertson is referring to the district court's summary-judgment decision, but he does not explicitly articulate this.

[4] The record shows that an affidavit filed before the district court's summary-judgment decision was rejected by the court administrator for failing to pay the filing fee. And Gilbertson did not file a response to Bank of America's summary-judgment motion.

III. The district court's order denying Gilbertson's exemption claim is not within the scope of our review.

Gilbertson argues that the district court erred by addressing an exemption issue when he did not file a motion invoking the exemption statutes or requesting an exemption determination.[5] But the exemption issues Gilbertson raises are not properly before us.

"The nature of the appeal and the course of the [district] court proceedings determine our scope of review." *Lilly v. City of Minneapolis*, 527 N.W.2d 107, 110 n.2 (Minn. App. 1995), *rev. denied* (Minn. Mar. 29, 1995). The scope of appellate review also depends on whether issues were properly preserved and timely appealed. Minn. R. Civ. App. P. 103.04.

This appeal is from the district court's order granting Bank of America's motion for summary judgment. It is not an appeal from the district court's September 22, 2025 order denying Gilbertson's exemption claim.[6] Gilbertson did not file a timely appeal from that

[5] Minnesota Statutes section 550.37 (2024) lists several categories of property exempt from garnishment. For example, the statute provides that exempt insurance proceeds, beneficiary association payments, a minor child's earnings, and certain employee benefits retain their exempt status notwithstanding their subsequent deposit into a bank account, whether held individually or jointly, provided the funds remain traceable to their exempt source. *Id.*, at subds. 10, 11, 15, 24. Although the statute affords broad protections to qualifying assets, it expressly places "[t]he burden of establishing that funds are exempt" on the debtor. *See* Minn. Stat. § 550.37, subd. 20.

[6] The record shows that after the district court filed its summary-judgment decision, Gilbertson submitted correspondence and Bank of America submitted a document titled, "Creditor's Objection to Exemption Claim." The parties appeared for a hearing to address the exemption issue, and the district court denied Gilbertson's claim. Gilbertson objected to the district court scheduling a hearing and deciding the exemption claim based on the creditor's objection that was before the court.

order. *See* Minn. R. Civ. App. P. 104.01, subd. 1 (requiring an appeal to be taken within 60 days unless otherwise provided by statute).

Although the filing of a timely appeal generally suspends the district court's authority to issue orders affecting the judgment under review, the district court retains jurisdiction over matters that are independent of, supplemental to, or collateral to the appealed judgment. Minn. R. Civ. App. P. 108.01, subd. 2. Matters concerning enforcement of a judgment are collateral. *David N. Volkmann Constr., Inc. v. Isaacs*, 428 N.W.2d 875, 876-77 (Minn. App. 1988) (citing *Spaeth v. City of Plymouth*, 344 N.W.2d 815, 824 (Minn. 1984)). Because the September 22, 2025 order concerns a post-judgment exemption claim, it relates to enforcement of the judgment rather than the merits of the summary-judgment decision. Accordingly, the exemption issue decided in the September 22, 2025 order is outside the scope of this appeal.

To the extent that Gilbertson is arguing that the cumulative effect of the alleged procedural errors prejudiced him, Gilbertson also did not raise this argument with the district court and does not support it with legal analysis or authority on appeal. *Id.* Gilbertson merely asserts that the "procedural failures are interrelated," and, when combined, "reflect adjudication that proceeded without defined issue boundaries and without a record demonstrating how submitted materials were treated." We therefore conclude that Gilbertson did not meet his burden to demonstrate any error on appeal, and we affirm the district court's summary-judgment decision.

Affirmed.