

*This opinion is nonprecedential except as provided by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
A25-1712**

Meaghan Witthaus, et al.,
Respondents,

vs.

William Barnes,
Appellant.

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

Stearns County District Court
File No. 73-CV-24-10272

Erik F. Hansen, Kiley Adams, Mariah Glinski, Burns & Hansen, P.A., Minneapolis,
Minnesota (for respondents)

John E. Mack, New London Law, P.A., New London, Minnesota (for appellant)

Considered and decided by Cochran, Presiding Judge; Rasmusson, Judge; and
Cleary, Judge.

NONPRECEDENTIAL OPINION

CLEARY, Judge

In this appeal from the district court's default judgment in favor of respondents,
appellant contends that the district court abused its discretion by denying his motion to

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

vacate the judgment and reopen the case, arguing that the district court erroneously determined that he failed to establish all of the applicable factors. We affirm.

FACTS

Respondents Meaghan Witthaus and Michelle Walker brought this action seeking the return of personal property belonging to their late father that was in the possession of appellant William Barnes.¹ Respondents' possessory claims to their late father's personal property were supported by a decree of descent that they sought and received in different proceedings before a probate court. A decree of descent is a court order that distributes the property, or any interest therein, of a deceased person. *See* Minn. Stat. § 525.31 (2024). Any interested party may seek a decree if the decedent has been dead for more than 3 years and no probate proceeding has been commenced. *Id.* Respondents attached a copy of the decree of descent to their complaint. The complaint in this case alleged five claims: breach of contract, replevin, conversion, civil theft, and unjust enrichment.

Respondents served Barnes with the summons and complaint and filed the action in district court in December 2024. After Barnes failed to answer the complaint, respondents moved for default judgment and summary judgment on February 18, 2025. An affidavit in the record reflects that Barnes was served with the notice of this motion on the same day via first class mail. Barnes disputes receipt of the notice of the default motion. The district court set a hearing on respondents' motion for March 18, 2025. Barnes failed to appear at the motion hearing.

¹ Respondents also sought various economic damages.

On April 1, 2025, while the district court’s decision on the motion for default judgment was pending, Barnes filed an answer and counterclaim to respondents’ complaint. On April 8, 2025, the district court filed a default judgment in favor of respondents and ordered that the disputed property be surrendered to respondents; judgment was entered the following day. Barnes filed a motion to vacate the default judgment and reopen the case based on excusable neglect. The district court determined that Barnes sought relief under rule 60.02(a) and denied the motion, concluding that Barnes failed to satisfy the four factors necessary for relief.²

Barnes appeals.

DECISION

Barnes challenges the district court’s denial of his motion to vacate the default judgment.

Under Minn. R. Civ. P. 60.02(a), the district court may relieve a party from judgment on the basis of “[m]istake, inadvertence, surprise, or excusable neglect.” Relief should be granted “where the movant affirmatively satisfies four requirements”—the *Finden* factors—which are:

- (1) a reasonable defense on the merits or . . . a debatably meritorious claim;
- (2) a reasonable excuse for his or her failure or neglect to act;
- (3) that he or she acted with due diligence after learning of the error or omission; and
- (4) that no substantial prejudice will result to the other party.

² Barnes does not dispute the district court’s determination that he sought relief under rule 60.02(a).

Cole v. Wutzke, 884 N.W.2d 634, 637 (Minn. 2016) (quotations omitted); *see also Finden v. Klaas*, 128 N.W.2d 748, 750 (Minn. 1964). “To warrant relief, the movant must establish *all* four factors.” *Safeco Ins. Co. v. Holmgren Bldg. Repair, Inc.*, 946 N.W.2d 638, 645 (Minn. App. 2020), *rev. denied* (Minn. Sept. 15, 2020). And the burden to satisfy the factors is on the moving party. *Gams v. Houghton*, 884 N.W.2d 611, 620 (Minn. 2016).

“The decision whether relief is warranted under [r]ule 60.02 is committed to the sound discretion of the district court and is based upon all the surrounding circumstances of each case.” *Cole*, 884 N.W.2d at 637. We will therefore reverse “only when there has been a clear abuse of discretion.” *Id.* “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 record.” *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022) (quotation omitted).

In denying Barnes’s motion to vacate, the district court determined that Barnes “failed to make a showing or meet all of the *Finden* factors.” Although the district court found that Barnes “arguably show[ed] that he acted with due diligence after learning of the error,” the district court found that Barnes failed to show a reasonable defense on the merits or a debatably meritorious claim, failed to show a reasonable excuse for his failure or neglect to timely answer the complaint, and failed to show that respondents would not suffer substantial prejudice.

Barnes contends that the district court erred by denying his motion to vacate. Specifically, he argues that the district court erroneously determined that he failed to satisfy the first, second, and fourth *Finden* factors—a reasonable defense on the merits, a

reasonable excuse for his failure or neglect, and substantial prejudice.³ Because the district court did not err by determining that Barnes failed to satisfy the first *Finden* factor, we discern no abuse of discretion. *See Safeco Ins. Co.*, 946 N.W.2d at 645 (holding that the movant must satisfy *all* four *Finden* factors to warrant relief under rule 60.02(a) for excusable neglect).

“A reasonable defense on the merits is one that, if established, provides a defense to the plaintiff’s claim.” *Palladium Holdings, LLC v. Zuni Mortg. Loan Tr.* 2006-OA1, 775 N.W.2d 168, 174 (Minn. App. 2009) (quotation omitted), *rev. denied* (Minn. Jan. 27, 2010). And a debatably meritorious claim is one that, if established, presents a cognizable claim for relief. *Cole*, 884 N.W.2d at 638. For either, the movant generally must provide specific information that clearly demonstrates the existence of the claim to satisfy this factor. *Id.* at 638; *Palladium Holdings*, 775 N.W.2d at 174. But “[c]onclusory allegations in moving papers are ordinarily insufficient.” *Cole*, 884 N.W.2d at 638.

Barnes argued in district court that he satisfied the first factor because the decree of descent was unlawfully obtained and that the estate of the decedent should have been probated so that Barnes would have been able to assert his claims as a creditor of the decedent. However, the district court found that the decree of descent unambiguously assigned that property to the respondents, Barnes did not refute possessing that property, and Barnes did not dispute refusing to return the property. The district court also explained the decree of descent was obtained in different proceedings than this case and, therefore,

³ Barnes agrees with the court’s analysis of the third *Finden* factor—that he exercised reasonable diligence once learning of the mistake.

the district court was “unable to grant [Barnes] relief from that” order of the probate court.⁴ The district court thus determined that Barnes failed to show a reasonable defense on the merits or debatably meritorious claim.

On appeal, Barnes argues that the district court erred because, at the time respondents filed this case in the district court, he was actively negotiating with them about the “possession of the property and payment of his claim” and that “as a creditor in possession he had a right to a claim against the property at any time not just during the time period of probate.” He further asserts that respondents essentially attempted to circumvent probate by obtaining a decree of descent and thereby preventing Barnes from “claim[ing] his possessory lien.” And he argues that “it is not clear why” the district court determined that he failed to satisfy the first *Finden* factor. We disagree.

The default judgment in this case was based on respondents’ claims of breach of contract, replevin, conversion, civil theft, and unjust enrichment, which sought the return of certain items of personal property belonging to respondents’ deceased father. As the district court observed, the decree of descent unambiguously assigned that property to respondents, Barnes did not refute possessing the property and did not dispute refusing to return the property. These findings are supported by the record. And crucially, as the

⁴ Nevertheless, the district court also observed that even if Barnes were permitted to challenge the decree of descent in this case, he would likely have been unsuccessful because nothing in the record suggested that respondents failed to comply with the law, there is a one-year statute of limitations for claims of creditors after a decedent’s death under Minn. Stat. § 524.3-803 (2024), and the court was unaware of any indication that Barnes filed a demand for notice in regards to the decedent’s estate under Minn. Stat. § 524.3-204 (2024).

district court also explained, the decree of descent was obtained in probate court—not in these proceedings.

Indeed, “[i]f a probate court has jurisdiction over a matter, its ruling ‘is not subject to collateral attack.’” *Greer v. Professional Fiduciary, Inc.*, 792 N.W.2d 120, 127, 129, 131 (Minn. App. 2011) (quoting *Bengtson v. Setterberg*, 35 N.W.2d 623, 629 (Minn. 1949) (holding that the district court did not err by dismissing some of the appellant’s claims because they were an improper collateral attack on a judgment from a different probate court matter, and noting that the appellant could have brought a motion to vacate the underlying order of the probate court in those proceedings). “A collateral attack is an attack on a judgment in a proceeding other than a direct appeal.” *Aaron Carlson Corp. v. Cohen*, 933 N.W.2d 63, 71 (Minn. 2019) (quotation omitted). Whereas a “direct attack on a judgment attempts to annul, amend, reverse, or vacate a judgment or to declare it void in an appropriate proceeding instituted initially and primarily for that purpose, an impermissible collateral attack similarly attacks the validity of a judgment, but the attack is purely secondary or incidental.” *Id.* (quotations omitted).

Barnes’s apparent defenses or claims here either primarily or incidentally attack the validity of the decree of descent, which assigned respondents the rights to their father’s personal property. For that reason, Barnes’s claims in these proceedings are an improper collateral attack on the probate court’s judgment. *See id.* Accordingly, Barnes did not clearly demonstrate the existence of a defense to respondents’ action or a cognizable claim in this case. *See Cole*, 884 N.W.2d at 638; *Palladium Holdings*, 775 N.W.2d at 174. As

such, Barnes failed to carry his burden to show a reasonable defense on the merits or debatably meritorious claim. *See Gams*, 884 N.W.2d at 620.

We therefore discern no error in the district court's determination that Barnes failed to satisfy the first *Finden* factor. Because the district court did not err in determining that Barnes failed to satisfy the first *Finden* factor, the district court did not abuse its discretion in denying his motion to vacate under rule 60.02(a), and we decline to address the remaining *Finden* factors. *See Safeco Ins. Co.*, 946 N.W.2d at 644-47 (affirming the district court's denial of a rule 60.02(a) motion where the district court concluded that the movant failed to satisfy only one *Finden* factor).

Affirmed.