This opinion is nonprecedential except as provided by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
A26-0040

Cori O'Reilley,
Appellant,

vs.

Patrick O'Reilley,
Respondent.

Filed November 9, 2026
Affirmed
Ede, Judge

Sherburne County District Court
File No. 71-CV-25-2272

Cori O'Reilley, Loretto, Minnesota (self-represented appellant)

Isak P. Hawkinson, Rinke Noonan, Ltd., St. Cloud, Minnesota (for respondent)

Considered and decided by Schmidt, Presiding Judge; Ede, Judge; and Reilly, Judge.*

NONPRECEDENTIAL OPINION

EDE, Judge

This is an appeal challenging a district court's order denying relief and dismissing appellant tenant's complaint for remedies based on an alleged unlawful lockout. Tenant asserts that the district court erred by (1) failing to address certain exhibits and making

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

factual findings that are insufficient for meaningful appellate review and (2) misapplying the law in treating her temporary absence and permission-based access as a voluntary surrender of possession. We affirm.

FACTS

The following summary is derived from the facts alleged in appellant Cori O'Reilley's (tenant's) complaint and the record before the district court, which the court relied on in denying relief and dismissing tenant's complaint.

In a separate eviction matter, the district court issued a writ of recovery in favor of respondent Patrick O'Reilley (landlord) and against tenant on November 14, 2025. The tenant thereafter had seven days to vacate the premises. A sheriff's deputy posted the writ at the premises on Friday, December 5. According to the complaint that tenant later filed in the underlying proceedings, the deputy "informed [her on December 5] that she had the weekend to pack her belongings and that the earliest the [deputy] would return to the property would be the afternoon of Monday, December 8." Nevertheless, in a December 10 email exchange with tenant (December 10 emails), which was attached as an exhibit to a declaration of counsel filed with landlord's answer to tenant's complaint (declaration of counsel), the deputy suggested that he did not plan to return to the premises, stating: "If a person voluntarily vacates the premises on their own, the Sheriff's Office does not have to come back unless requested to do so by the landlord."

Tenant alleges in her complaint that, "[d]uring [the] weekend [of December 5 through 7], [she] began packing her belongings, and items were gathered and placed inside the residence, including being piled in the living room in preparation for removal." She

also claims that, "[w]hen [she] returned to the residence on [Monday,] December 8, . . . prior to any sheriff execution of the writ, [she] discovered that the locks had been replaced."[1] Tenant alleged that she was precluded from entering the premises because of "changed locks, removal of the doorbell, and interference with [her] belongings, . . . [which] denied [her] access to the residence and excluded [her] from the property."

The declaration of counsel states that tenant "had access to the premises through the weekend and throughout Monday, December 8, . . . to retrieve her items of her personal property from the premises," and that tenant "did access the premises for that purpose." Copies of text messages filed as an exhibit to the declaration of counsel show that Daniel O'Reilley, tenant's former husband and landlord's son, did not prevent tenant from retrieving her belongings and that she left after doing so. A declaration by O'Reilley filed with landlord's answer asserts that, "[i]n accordance with instruction from . . . [landlord,]" O'Reilley "facilitated . . . [tenant's] access to the premises" on December 5 and 8. Moreover, the declaration of counsel provides that, "[o]n Monday, December 8, . . . [tenant] left the premises of her own accord, complying with the writ of recovery and making a formal lockout unnecessary." Tenant, however, wrote in the December 10 emails that she "didn't voluntarily vacate the property."

[1] These claims contradict tenant's statement in the December 10 emails that she had "still been trying to go to the house and collect [her] belongings but [landlord had] changed the locks Saturday morning[, December 6,] at 8:30 [a.m.,]" and landlord had "throw[n] [her] belongings [o]n the ground and in . . . piles all over the house."

The declaration of counsel provides that, on Tuesday, December 9, tenant "began making allegations in various courts . . . that, despite . . .voluntarily vacat[ing the premises] in compliance with the writ of recovery, . . . she had been illegally locked out of the premises." In the December 10 emails, the deputy explains that landlord had asked the deputy to return to the premises on December 10 to execute the writ. The declaration of counsel asserts that, on Wednesday, December 10, the deputy "conducted a formal lockout at the premises," meaning that the deputy executed the writ. Moreover, as relevant here, the declaration of counsel states: that, "[w]ith the exception of various after-the-fact court filings made by . . . [tenant]," neither landlord nor his counsel "have ever received a communication from . . . [tenant] requesting access to the premises"; and that, "[p]rior to the formal lockout, nobody denied . . . [tenant] access to the premises."

On December 15, tenant filed the complaint in the proceedings underlying this appeal. She alleges that, "[a]s a result of the changed locks . . . and interference with [her] belongings, [she] was denied access to the residence and excluded from the property." Among other things, tenant also claims: that "[t]he exclusion occurred without lawful execution of a writ of recovery in compliance with Minn. Stat. § 504B.365, including personal service and proper sheriff execution"; that she "was deprived of access to the home, her personal belongings, and the stability of the residence"; that landlord's "actions constitute an unlawful exclusion and illegal lockout under Minn. Stat. § 504B.225"; and that, "[a]s a direct result of [landlord's] unlawful conduct, [tenant] suffered actual damages, including but not limited to housing disruption, displacement of her children, emotional distress, and out-of-pocket expenses." As relief, tenant requested that the district court: find

that landlord "violated Minn. Stat. § 504B.225 by unlawfully excluding [tenant] from the residence"; "[a]ward statutory damages as permitted by law"; "[a]ward actual damages incurred by [tenant]"; "[a]ward costs and fees as allowed by statute"; and "[g]rant such other and further relief as the court deems just and equitable."

After landlord filed an answer, the declarations of counsel and O'Reilley, and accompanying exhibits, the matter proceeded to a hearing before the district court on January 2, 2026 (the January 2 hearing). At the January 2 hearing, the parties presented arguments to the district court, but no party offered exhibits or testimony.[2] The district court noted during the hearing that the statute under which tenant had styled her complaint—"Minn. Stat. § 504B.225"—is "criminal in nature." Nevertheless, the district court considered tenant's complaint as a "Lockout Petition under Minn. Stat. § 504B.375," as indicated on the face of the order it ultimately filed on January 6 (the January 6 order), which denied relief and dismissed tenant's complaint.

In explaining its decision at the January 2 hearing, the district court expressed its finding that, "once the court ordered that [tenant] ha[d] to leave, then [tenant] voluntarily left at that point."[3] More specifically, the district court reasoned that, "based on the fact

[2] During the hearing, tenant referenced exhibits that she had "upload[ed] . . . through the online system," but she did not ask the district court to admit any of those exhibits into evidence. Nor did tenant separately file the exhibits in the district court as an attachment to a declaration, as landlord had.

[3] Although the district court acknowledged that leaving the premises "was not [tenant's] decision and that[,] . . . if [she] had the choice, [she] would not have vacated[,]" the court nonetheless found that tenant "did comply with the [eviction] order and . . . complied with the writ that stated [she] needed to vacate."

that [tenant] did voluntarily leave, or . . . complied with the writ, . . . returned, . . . still had access to the property over the weekend[,] . . . returned on Monday, and although the locks were changed,[4] . . . still had access to the property," the court could not "find . . . based on [tenant's complaint] . . . that [she was] unlawfully excluded from the property." "[B]ased on the filings, based on the writ, based on what the sheriff[] posted, what [the district] court signed, and . . . what [tenant] told [the court at the hearing,]" the court stated that it could not determine "that there was anything unlawfully done in terms of [tenant] being ousted from the property." The district court therefore denied relief and dismissed tenant's complaint. The January 6 order memorializes the district court's determinations that landlord "did not actually or constructively and unlawfully remove or exclude [tenant] from the property" and that "[t]he court issued an eviction judgment and writ of recovery in favor of [landlord] and against [tenant], and [landlord] executed it lawfully."

Tenant appeals.

DECISION

We consolidate tenant's arguments into two issues for clarity and ease of discussion. Tenant maintains that the district court erred by (1) failing to address certain exhibits and making factual findings that are insufficient for meaningful appellate review and (2) misapplying the law in treating her temporary absence and permission-based access as

[4] The district court expressly noted the inconsistency between tenant's claim that landlord had changed the locks on the morning of Saturday, December 6, 2025, and her allegation in her complaint "that when [she] went back on Monday, [December 8,] the locks were changed." In particular, the district court stated that it was "not entirely certain if [tenant was] there over the weekend or if [she] just went back on Monday."

a voluntary surrender of possession. We begin by summarizing the applicable law before explaining our conclusion that tenant's arguments are unavailing.

"Whether a landlord's actions constitute an unlawful exclusion under Minnesota's lockout statute is a question of law appellate courts review de novo." *Murphy v. Aeon*, 24 N.W.3d 679, 686 (Minn. App. 2025) (citing *Harlow v. State, Dep't Hum. Servs.*, 883 N.W.2d 561, 568 (Minn. 2016); *Berg v. Wiley*, 264 N.W.2d 145, 149 (Minn. 1978)), *rev. denied* (Minn. Aug. 27, 2025). "We review the district court's findings for clear error and in the light most favorable to the district court's decision, and defer to the district court's credibility determinations." *Bass v. Equity Residential Holdings, LLC*, 849 N.W.2d 87, 91 (Minn. App. 2014) (citing Minn. R. Civ. P. 52.01; *Rasmussen v. Two Harbors Fish Co.*, 832 N.W.2d 790, 797 (Minn. 2013)).

Factual "findings are clearly erroneous when they are manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole." *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221 (Minn. 2021) (quotation omitted). Appellate courts "will not conclude that a factfinder clearly erred unless, on the entire evidence, [they] are left with a definite and firm conviction that a mistake has been committed." *Id.* (quotations omitted). "In sum, the role of an appellate court is not to weigh, reweigh, or inherently reweigh the evidence when applying a clear-error review; that task is best suited to, and therefore is reserved for, the factfinder." *Id.* at 223.

"[S]elf-help evictions are unlawful." *Reimringer v. Anderson*, 960 N.W.2d 684, 693 (Minn. 2021) (footnote omitted). "A 'self-help eviction' generally refers to any action taken by a landlord to remove a tenant from the premises without resorting to the judicial

eviction procedures prescribed by the Legislature in Minn. Stat. §§ 504B.281–.371 [(2020)].” *Id.* at 693 n.12. “The Legislature included several different remedies in chapter 504B—equitable, criminal, and civil—that tenants can pursue in the event their landlord (either directly or indirectly) removes them from a residential premises.” *Id.* at 689 (citing Minn. Stat. § 504B.231(b) (2020) (“The remedies provided in this section are in addition to and shall not limit other rights or remedies available to landlords and tenants.”)).

“[A] tenant may bring an equitable action under Minn. Stat. § 504B.375 [(2020)] to recover the premises following unlawful exclusion or removal . . . .” *Id.* Moreover, “a criminal misdemeanor penalty can be imposed on any landlord ‘who unlawfully and intentionally removes or excludes a tenant.’” *Id*. (quoting Minn. Stat. § 504B.225 (2020)). And, as relevant here, Minnesota Statutes section 504B.231(a) (2024) prescribes damages for a tenant’s ouster: “If a landlord . . . or other person acting under the landlord’s direction . . . unlawfully and in bad faith removes, excludes, or forcibly keeps out a tenant from residential premises, the tenant may recover from the landlord treble damages or $500, whichever is greater, and reasonable attorney’s fees.”

“[A] tenant seeking treble damages under section 504B.231(a) must prove that the landlord’s conduct was both unlawful *and* in bad faith.” *Reimringer*, 960 N.W.2d at 688. “The issue of whether a person is legally entitled to remain in a residential premises goes to the distinct question under section 504B.231(a) of whether the landlord removed that person unlawfully, not to the question of whether the removal was also in bad faith.” *Id.* at 692. “If the tenant in fact did not have a right to remain on the premises (for instance, the landlord had obtained an eviction order from the court or the tenant voluntarily abandoned

the premises), then the landlord's action is not unlawful and the tenant cannot maintain an action under section 504B.231(a)." *Id.* (footnote omitted);[5] *see also* Minn. Stat. § 504B.365, subd. 5 (2024) ("*Unless the premises has [sic] been abandoned*, a [landlord] . . . or other person acting under the [landlord's] direction or control who enters the premises and removes the [tenant's] personal property in violation of this section is guilty of an unlawful ouster under section 504B.231 and is subject to penalty under section 504B.225." (emphasis added)).

Mindful of this legal framework, we address each of the issues presented in turn.

I. The district court did not err by declining to address exhibits that were not admitted, and the court made sufficient factual findings for meaningful appellate review.

Tenant argues that, although she "submitted a detailed exhibit packet consisting of contemporaneous records, sheriff communications, photographs, call logs, emails, and execution-related records directly addressing [the] disputed issues," the district court "failed to meaningfully address or reconcile those exhibits." And tenant asserts that "remand for adequate findings is warranted" because the January 6 order "contains only conclusory checkbox findings" that are "insufficient to permit meaningful appellate review" of "whether the . . . court properly applied Minn. Stat. § 504B.225 and § 504B.375." Landlord responds that tenant "cannot obtain reversal based on issues or documents not presented to the district court" and that "[t]he record . . . has more than

[5] "The landlord may not physically remove a tenant still occupying the premises after securing an eviction order; only authorized officers may execute such orders." *Id.* at 692 n.10 (citing Minn. Stat. § 504B.365, subd. 1 (2020)).

adequate support for the . . . court's determination to dismiss [tenant's] complaint." We agree with landlord.

Although the January 6 order is summary in nature, the court made detailed findings on the record at the January 2 hearing. The district court found that, after the writ of recovery was posted on Friday, December 5, 2025, tenant "voluntarily left," "compl[ied] with the [eviction] order," and "complied with the writ that stated [she] needed to vacate." And the district court explained that it based its decision to deny relief and dismiss tenant's complaint "on the fact that [tenant] did voluntarily leave, or . . . complied with the writ, . . . returned, . . . still had access to the property over the weekend[,] . . . returned on Monday, and although the locks were changed,. . . still had access to the property." The district court also reasoned that it could not "find . . . based on [tenant's complaint] . . . that [she was] unlawfully excluded from the property." The January 6 order reiterates the district court's determinations that landlord "did not actually or constructively and unlawfully remove or exclude [tenant] from the property" and that "[t]he court issued an eviction judgment and writ of recovery in favor of [landlord] and against [tenant], and [landlord] executed it lawfully."

"Although some accommodations may be made for [self-represented] litigants, this court has repeatedly emphasized that [self-represented] litigants are generally held to the same standards as attorneys and must comply with court rules." *Beardsley v. Garcia*, 731 N.W.2d 843, 850 (Minn. App. 2007) (quoting *Fitzgerald v. Fitzgerald*, 629 N.W.2d 115, 119 (Minn. App. 2001)), *aff'd*, 753 N.W.2d 735 (Minn. 2008). "It is well settled that an appellate court may not base its decision on matters outside the record on appeal, and that

matters not produced and received in evidence below may not be considered." *Plowman v. Copeland, Buhl & Co.* 261 N.W.2d 581, 583 (Minn. 1977); *see also Butler v. Jakes*, 977 N.W.2d 867, 873 (Minn. App. 2022) ("Appellate courts generally address only those matters that were presented to and considered by the district court." (citing *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988)) (other citation omitted)).

At the January 2 hearing and in the January 6 order, the district court did not analyze the exhibits referenced and relied on by tenant at the hearing and on appeal. Because tenant's argument relies on exhibits that she did not offer and that were not admitted into evidence during the January 2 hearing, it is unavailing. *See Plowman*, 261 N.W.2d at 583; *Butler*, 977 N.W.2d at 873. And the district court's oral and written findings, as expressed during the January 2 hearing and in the January 6 order, are sufficient to permit meaningful appellate review.

We therefore conclude that the district court did not err by declining to address exhibits that were not admitted, and that the court made sufficient factual findings for meaningful appellate review.

II. The district court did not err in determining that tenant voluntarily complied with the writ of recovery.

Tenant contends that the district court "improperly conflated retrieval access with lawful possession and control" in determining that she "voluntarily vacated the premises and was not unlawfully excluded because she retained [a] limited ability to retrieve belongings from the residence." She asserts that "[t]he district court . . . erred by equating conditional retrieval access and temporary absence with voluntary surrender of possession

under Minn. Stat. § 504B.225[6] and § 504B.375." Landlord counters that "the record supports the district court's determination that [tenant] was not unlawfully excluded."[7] Landlord's argument is persuasive.

As mentioned above, the district court found that tenant voluntarily left the premises after the court issued the writ of recovery and the deputy posted it on Friday, December 5, 2025. This finding is not clearly erroneous because it is not manifestly contrary to the weight of the evidence and because it is reasonably supported by the evidence as a whole. *See Kenney*, 963 N.W.2d at 221.

The record establishes that the district court issued the writ in favor of landlord and against tenant on November 14, 2025, and that tenant thereafter had seven days to vacate the premises. The deputy posted the writ at the premises on Friday, December 5, at which time the deputy told tenant "that she had the weekend to pack her belongings." After posting the writ, the deputy indicated that he did not plan to return because, "[i]f a person voluntarily vacates the premises on their own the Sheriff's Office does not have to come back unless requested to do so by the landlord." As tenant herself alleged in her complaint,

---

[6] Minnesota Statutes section 504B.225 (2024) is a criminal statute providing that "[a] landlord, an agent, or person acting under the landlord's direction or control who unlawfully and intentionally removes or excludes a tenant from lands or tenements . . . with intent to unlawfully remove or exclude the tenant from lands or tenements is guilty of a misdemeanor."

[7] Landlord also maintains that tenant's "complaint relied exclusively on Minn. Stat. § 504B.225, a criminal statute," that "[a] private citizen cannot maintain a criminal prosecution[,]" and that tenant "[f]ailed to state a claim upon which relief could be granted." As discussed below, we affirm the district court's decision because the court did not err in determining that tenant voluntarily complied with the writ of recovery. As a result, we decline to reach landlord's argument.

"[d]uring [the] weekend [of December 5 through 7], [she] began packing her belongings, and items were gathered and placed inside the residence, including being piled in the living room in preparation for removal." It was not until tenant "returned to the residence on [Monday,] December 8," as she avers in her complaint, that she "discovered that the locks had been replaced."[8] Based on this record, we are not "left with a definite and firm conviction that a mistake has been committed." *Kenney*, 963 N.W.2d at 221 (quotation omitted). While tenant urges that we reweigh the evidence in her favor, that is not the role of an appellate court. *See id.* at 223.

Moreover, given the district court's findings, the court did not err in denying tenant relief and dismissing her complaint.[9] This is because tenant has no valid equitable, criminal, or civil claims for remedies under Minnesota Statutes chapter 504B based on her allegations that landlord unlawfully excluded and removed her from the premises. *See Reimringer*, 960 N.W.2d at 689.

---

[8] Because tenant claims that she was denied access to the premises *after* she decided to voluntarily leave following the district court's issuance of the writ of recovery and the deputy's posting of it on Friday, December 5, her argument in that regard is immaterial to our analysis. *See Reimringer*, 960 N.W.2d at 692. And the declaration of counsel, as well as supporting exhibits, nonetheless support the district court's decision because they show: that tenant "had access to the premises through the weekend and throughout Monday, December 8, . . . to retrieve her items of her personal property from the premises and did access the premises for that purpose"; and that, "[p]rior to the formal lockout [on December 10], nobody denied . . . [tenant] access to the premises."

[9] Although the district court may not have expressly relied on the reasoning we discuss below, "[w]hether a landlord's actions constitute an unlawful exclusion under Minnesota's lockout statute is a question of law appellate courts review de novo[,]" as noted earlier. *Murphy*, 24 N.W.3d at 686. Furthermore, "[i]f the [district] court arrives at a correct decision, that decision should not be overturned regardless of the theory upon which it is based." *Brecht v. Schramm*, 266 N.W.2d 514, 520 (Minn. 1978).

Tenant has no colorable claim under Minnesota Statutes section 504B.375 (2024) because her complaint is not "an equitable action . . . [seeking] to recover the premises following unlawful exclusion or removal." *Id*. In any event, such a claim is moot because we cannot afford effective relief restoring possession to tenant now that the deputy has executed the writ of recovery. *See Winkowski v. Winkowski*, 989 N.W.2d 302, 308 (Minn. 2023) (explaining that appellate courts "will dismiss an appeal as moot when a decision on the merits is no longer necessary or an award of effective relief is no longer possible" (quotation omitted)).

Tenant similarly cannot avail herself of Minnesota Statutes section 504B.225 because she cannot commence and maintain a private prosecution for alleged violations of a criminal law. *See State ex rel. Wild v. Otis*, 257 N.W.2d 361, 363 (Minn. 1977). In other words, "a criminal statute does not automatically give rise to a civil cause of action unless the statute expressly or by clear implication so provides." *Larson v. Dunn*, 460 N.W.2d 39, 47 n.4 (Minn. 1990). Because Minnesota Statutes section 504B.225 does not expressly or by clear implication provide for a civil cause of action, tenant has no viable legal theory for relief under that statute. *See id.*

Finally, tenant has no valid claim under Minnesota Statutes section 504B.231(a) because, as discussed above, the district court did not clearly err in finding that tenant had "voluntarily abandoned the premises." *Reimringer*, 960 N.W.2d at 692 (footnote omitted); *see also* Minn. Stat. § 504B.365, subd. 5. Thus, "landlord's action is not unlawful and . . . tenant cannot maintain an action under section 504B.231(a)." *Reimringer*, 960 N.W.2d at 692 (footnote omitted).

Accordingly, we conclude that the district court did not err in determining that tenant voluntarily complied with the writ of recovery.

Affirmed.