

*This opinion is nonprecedential except as provided by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
A26-0092**

In the Marriage of:

Sarah Lynn Nelson, n/k/a Sarah Lynn Derry, petitioner,
Respondent,

vs.

Abel Aaron Nelson,
Appellant,

Ramsey County,
Intervenor.

**Filed September 21, 2026
Affirmed
Rasmusson, Judge**

Ramsey County District Court
File No. 62-FA-21-428

Lisa T. Spencer, Dylan J. Wallace, Henson & Efron, P.A., Minneapolis, Minnesota (for respondent)

Abel Nelson, Vadnais Heights, Minnesota (pro se appellant)

Considered and decided by Rasmusson, Presiding Judge; Johnson, Judge; and Bond, Judge.

NONPRECEDENTIAL OPINION

RASMUSSON, Judge

Appellant-father challenges the district court's (1) denial of his child-support-modification motions, (2) jurisdiction based on the referee's residence, and

(3) appointment of a special master. Because we discern no abuse of discretion in the district court's decisions that are within the scope of our review, we affirm.

FACTS

Pro se appellant Abel Aaron Nelson (father) and respondent Sarah Lynn Derry (mother) married in 2015. In March 2021, mother petitioned to dissolve the marriage. In July 2023, a referee presided over the trial and issued recommended findings of fact, conclusions of law, and order for judgment. The district court adopted the referee's recommendations on November 14, 2023, and entered a judgment and decree (J&D). The district court amended the J&D in May 2024. Significant litigation followed, and the orders relevant to this appeal are summarized below.

In the fall of 2024, father, proceeding pro se, filed two motions requesting modification of the child-support provisions in the amended J&D based on an alleged decrease in his gross income and the resulting impact on his parental income for determining child support (PICS) percentage.¹ On April 1, 2025, father filed another motion requesting modification of his child-support obligations, his PICS percentage, and the allocation of future childcare expenses based on the parties' updated PICS percentages. At a hearing on April 14, the district court heard arguments on multiple motions, including

¹ The PICS percentage is determined by calculating the PICS of each parent, combining the two PICS, and dividing each parent's PICS by the combined total to calculate a percentage. Minn. Stat. §§ 518A.26, subd. 15, .34 (2024). This percentage is used to calculate the child support each parent is obligated to pay as well as other financial obligations. *See* Minn. Stat. § 518A.35, subd. 2 (2024).

father's child-support-related motions and a motion filed by mother requesting the appointment of a special master.

In an order filed May 29, 2025, the district court, in relevant part, granted mother's request for the appointment of a special master. The district court filed the formal appointment order on June 18 (appointing order), which set forth the special master's authority, duties, and obligations.

In an order filed July 14, the district court, in part, denied father's request to modify child support. The district court found that the evidence father submitted regarding his finances was "unreliable, incomplete and incredible," and accordingly found that father had not established any substantial change to his gross income for purposes of calculating support. The district court also found that father failed to present any credible evidence contradicting mother's established childcare costs. The district court concluded that father failed to meet his burden of establishing a substantial change of circumstances and denied father's requested modifications.

The district court also concluded that several of father's requests were now moot based upon our May 28, 2025 opinion from an earlier appeal involving this case, including father's request for an order denying mother's request to enforce the appointment of a special master. The July 14 order did not address a motion father filed on June 24 to vacate the appointing order, disqualify the special master for bias, and strike various terms in the appointing order.

On August 13, father filed a motion requesting that the district court "amend or vacate" the July 14 order and include additional findings pursuant to Minnesota Rule of

Civil Procedure 52.02. Father argued that the July 14 order is void because it relied on rulings issued by a district court referee who, father asserted, had vacated her office under Minnesota law. Alternatively, father requested amended or additional findings regarding father's "actual current gross income" and corresponding PICS percentage, the "statutory verification" and classification of childcare costs, and the effect of an established upward deviation for private-school tuition. Father's August 13 motion was silent on issues relating to the special master's appointment.

At a hearing on September 4, father argued that the special master was not "neutral" and should be disqualified for bias. Father also described various other complaints about the appointing order, including that it set up a "closed process" by allowing ex parte communications between the special master and the parties, that it does not contain required findings regarding the allocation of costs for the special master, and that various business-related terms exceeded the district court's authority and "deprive[d] both [father] and [his] businesses of due process."

In an order filed November 24, the district court, among other things, denied father's motions to disqualify the special master for bias, amend or make additional findings in the July 14 order, and "relitigate" jurisdiction and the residency of the referee. As to the special master, the district court concluded that "[t]here is no credible evidence" showing that the special master must be disqualified, noting that "[a]t best, counsel noted she has a professional relationship" with the appointed special master, which is insufficient to support removal for bias. *See* Minn. R. Civ. P. 53.01(b) (providing that a special master "must not have a relationship to . . . counsel . . . that would require disqualification of a

judge”). The district court also noted that father “has previously litigated the issue of [the same] Special Master to oversee the sale of the business,” that the district court had “addressed this issue” in the July 14 order, and that father “did not timely make an objection.”

As to father’s motion to amend the July 14 order, the district court stated that it “decline[d] to overturn a prior court’s findings absent a meaningful change of circumstances.” The district court reasoned that father “did not plead a change in circumstance or fact, rather [father’s] arguments rehash prior issues which the District Court and Court of Appeals have addressed.” Thus, the district court concluded it “shall not overturn fully litigated issues when the facts and the law have not changed since the previous order.”

And as to father’s arguments regarding jurisdiction and the residency of the referee, the district court reasoned that father’s argument failed under a plain reading of the Minnesota Constitution and statutes governing referees. It concluded that the constitutional residency requirement in article VI, section 4 of the Minnesota Constitution applies only to judges, not referees, and that statutes governing referees noticeably do not contain any residency requirement. While the district court analyzed several statutes, it did not address Minnesota Statutes section 351.02, paragraph 4 (2024), which father identified in his motion for amended findings as a statutory basis for his jurisdictional argument.

Father appeals.²

² After father filed his notice of appeal in this matter, we filed a decision in father’s earlier appeal that, in relevant part, rejected father’s referee-residency argument as an

DECISION

I. The district court did not abuse its discretion by denying father’s motion to modify his child-support obligations.

Father appeals the provisions of the July 14 order denying his request to modify child support. We understand father to argue that remand is necessary because the July 14 order contains insufficient findings to enable appellate review. Specifically, he asserts that the district court (1) did not make a finding on father’s current income, (2) did not explain its application of a statute relevant to childcare costs, and (3) did not explain father’s ongoing tuition obligations. Alternatively, father seems to suggest that the district court abused its discretion by denying his motion without making specific findings on his current income. We disagree.

A district court has “broad discretion in ordering modifications to child support orders.” *Putz v. Putz*, 645 N.W.2d 343, 347 (Minn. 2002). “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). This court reviews findings of fact for clear error, and we view the evidence in the light most favorable to the district court’s findings, do not reweigh evidence, and defer to the district court’s credibility determinations. *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221-22 (Minn. 2021);

unauthorized petition for rehearing because we had resolved the issue in two of father’s prior appearances before us. *Nelson v. Nelson*, No. A25-0827 (Minn. App. Apr. 15, 2026) (order op.).

see Bayer v. Bayer, 979 N.W.2d 507, 513 (Minn. App. 2022) (citing *Kenney* in a family-law appeal).

Modification of child support is governed by Minnesota Statutes section 518A.39 (2024). Section 518A.39, subdivision 2, allows a district court to modify child support upon a showing of a substantial change in circumstances that rendered the existing award unreasonable and unfair. The moving party bears the burden of showing both a substantial change in circumstances and that any substantial change makes the existing obligation unreasonable and unfair. *Bormann v. Bormann*, 644 N.W.2d 478, 480-81 (Minn. App. 2002).

We turn first to father's claim that the district court did not make a finding regarding his income. A review of the record shows that the district court made a series of findings related to father's monthly income. The district court expressly found that father had "not credibly demonstrated that there has been a change in his gross income" because father's evidence regarding his finances was "unreliable, incomplete and incredible." The district court further noted that father's financial submissions "amount to underreporting of his current and historical income at best, and a misrepresentation of that income at worst." Ultimately, the district court rejected father's motions to modify the established child-support provisions because he had "not demonstrated a substantial change in his financial circumstances that would make his existing child support obligation unreasonable and unfair."

The district court did not abuse its discretion by making this determination. The district court's legal conclusions are sufficiently supported by its findings of fact. And its

findings of fact are amply supported by the evidence in the record and the district court's credibility determinations regarding father's evidence. Father asserts that he is not challenging the district court's credibility determinations on appeal, and he does not identify any clearly erroneous findings in the district court's order. Instead, father argues that the district court erred by failing to make a specific finding on his current gross income for purposes of his support obligations. But because it was father's failure to submit credible evidence that precluded the district court from making a finding as to father's current gross monthly income, he cannot complain about a lack of findings on this point. *See Eisenschenk v. Eisenschenk*, 668 N.W.2d 235, 243 (Minn. App. 2003), *rev. denied* (Minn. Nov. 25, 2003) (stating that a party cannot complain on appeal that the district court did not rule for them when "that party failed to provide the district court with the evidence that would allow [it]" to decide the issue). Because father did not credibly establish a substantial change in his financial circumstances, the district court did not abuse its discretion by denying father's support-modification motions.

Father next contends that the findings in the July 14 order regarding childcare costs are not sufficient to enable appellate review. Specifically, father asserts that the district court failed to explain why it disregarded the discrepancy between the childcare costs established in the amended J&D with the "actual summer 2024 costs reflected in discovery."

Minnesota Statutes section 518A.40, subdivisions 1 and 3 (2024), provide, as relevant here, that work-related childcare costs should be divided between the parties based on their PICS percentages, and that the district court must obtain sufficient documentation

of the necessary childcare expenses. In the July 14 order, the district court found that mother had provided sufficient documentation regarding the classification and costs of childcare to support the findings regarding childcare costs in the amended J&D.

The district court explicitly considered the alleged discrepancies regarding childcare costs, finding that father's "assertions are unsupported" and "that the childcare costs [mother] included in her Financial Disclosure Statement match the costs the court found in the [amended J&D]." It stated that father "failed to provide testimony or documentation that would support specifically how [mother] eliminated her actual financial burden or how she failed to provide proof of payment." The district court concluded that because father did not produce credible evidence refuting mother's established childcare costs, and because father did not establish a significant decrease in his income, father did not establish that he was entitled to modification of the PICS percentages and his support obligations. Because mother submitted credible evidence establishing her childcare costs, and father did not submit credible evidence refuting such costs, nor did he establish his claim of a reduced income such that his PICS percentage of these costs have changed, father has not demonstrated that the district court abused its discretion. *Cf. Eisenschenk*, 668 N.W.2d at 243.

Father next summarily asserts that remand is necessary for the district court to "clarify" how an upward deviation for private-school tuition established in the amended J&D "operates in light of the [amended J&D's] mutual-agreement condition."

In its July 14 order, the district court denied father's request to modify the upward deviation for private-school tuition established in the amended J&D, finding that because

father had failed to establish a substantial change in the financial circumstances of either party that would allow a modification of child support, father continues to have sufficient financial means to meet the upward deviation. The court further found that “both parties have engaged in unilateral decision-making regarding the Children’s education,” and provided that “[b]oth parties must mutually agree on where the Children will attend school,” considering the best educational setting for each child.

We discern no abuse of discretion in the district court’s determination and no reason for remand. For the reasons discussed above, the district court did not abuse its discretion by determining that father had not established a change in either party’s financial circumstances that would allow for modification of his child-support obligations. And while a district court must resolve a dispute between joint legal custodians who cannot agree on which school their children should attend, *see Novak v. Novak*, 446 N.W.2d 422, 424 (Minn. App. 1989) (holding that district courts must resolve disputes between joint legal custodians who cannot agree on educational decisions), *rev. denied* (Minn. Dec. 1, 1989), father did not argue to the district court that he and mother cannot agree on which school their children should attend, and the district court did not find that the parties cannot agree on which school their children should attend. Rather, father argued that mother was engaging in unilateral decision-making regarding the children’s education, and the district court merely found that “*both* parties have engaged in unilateral decision-making regarding the Children’s education.” (Emphasis added.) If the parties, as joint legal custodians, cannot agree on which school the children should attend, they must move the district court to resolve the dispute. *See id.*

In sum, the district court's findings in the July 14 order are amply supported by evidence in the record and the district court's credibility determinations regarding such evidence, and such findings sufficiently support the district court's legal conclusions. Thus, we conclude that the district court did not abuse its discretion by denying father's requested modifications to the parties' established child-support obligations.

II. Father failed to establish that the district court applied the wrong legal standard.

Father also argues that the district court abused its discretion by applying the wrong legal framework in its November 24 order when it addressed his motion to amend or vacate the July 14 order pursuant to Minnesota Rule of Civil Procedure 52.02.

“We review the district court's decision whether to grant a motion for amended findings for an abuse of discretion.” *Landmark Cmty. Bank, N.A. v. Klingelhutz*, 927 N.W.2d 748, 754 (Minn. App. 2019). “The district court abuses its discretion by improperly applying the law.” *In re Guardianship of Guaman*, 879 N.W.2d 668, 672 (Minn. App. 2016) (quotation omitted). “Where the findings made are sustained by the evidence and are sufficient to sustain the conclusions of law, it is not reversible error to refuse to make additional findings.” *Kehrer v. Seeman*, 235 N.W. 386, 389 (Minn. 1931).

Under Minnesota Rule of Civil Procedure 52.02, “[u]pon motion of a party” served and heard within the time permitted by the rules, “the court may amend its findings or make additional findings, and may amend the judgment accordingly if judgment has been entered.” A proper motion to amend “must both identify the alleged defect in the challenged findings and explain why the challenged findings are defective.” *City of E.*

Bethel v. Anoka Cnty. Hous. & Redev. Auth., 798 N.W.2d 375, 379 (Minn. App. 2011) (quotation omitted). A motion for amended and additional findings must show not only that the district court could have made the proffered findings, but that such findings were required based upon the evidence. *State by Fort Snelling State Park Ass’n v. Minneapolis Park & Rec. Bd.*, 673 N.W.2d 169, 178 (Minn. App. 2003), *rev. denied* (Minn. Mar. 16, 2004); *see also Kehrner*, 235 N.W. at 389 (“Where the findings made are sustained by the evidence and are sufficient to sustain the conclusions of law, it is not reversible error to refuse to make additional findings.”).

Father argues that the district court’s characterization of his postdecision motion as “rehashing prior issues,” and statement that it would not overturn the July 14 order “absent a meaningful change in circumstances,” indicate that the district court applied the wrong legal standard in considering his motion. He asserts that remand is required for the district court to “address the targeted Rule 52.02 requests individually and decide whether the findings should be amended, supplemented, or left unchanged based on the existing record.”

Mother argues that the district court implicitly determined that the findings in the July 14 order are sustained by the evidence and sufficient to sustain the district court’s conclusion of law by refusing to amend the findings or make additional findings. We agree with mother.

The district court noted that the July 14 order found father’s submitted evidence to be “unreliable, incomplete and incredible,” and it stated that it would “not overturn fully litigated issues when the facts . . . have not changed since the previous order.” Thus, the

district court implicitly rejected father's contention that the challenged findings are defective and must be amended, *see City of E. Bethel*, 798 N.W.2d at 379, and that additional findings are necessary, *see Kehrner*, 235 N.W. at 389. We thus discern no abuse of discretion in the district court's consideration and denial of father's motion to amend.

III. Minnesota Statutes section 351.02 (2024) does not apply to district court referees.

Father also argues that the district court abused its discretion by misapplying Minnesota Statutes section 351.02 when it rejected father's argument that the presiding referee lacked jurisdiction because the referee did not reside in Minnesota. Father has unsuccessfully asserted that the referee cannot proceed because of her residence on multiple occasions before the district court and on appeal, but not under this specific statute. In the November 24 order, the district court rejected father's argument on the basis that neither the Minnesota Constitution nor statutes governing referees require referees to be residents of Minnesota, but it did not reference section 351.02 in reaching its conclusion. We understand father's argument to be that a referee who resides outside of Minnesota has vacated their office under section 351.02, paragraph 4, and thus the district court lacked jurisdiction to file any recommended findings or orders from that referee.

District court referees are appointed by the chief judge of a judicial district. Minn. Stat. § 484.70, subd. 1 (2024). Such referees "hold office at the pleasure of the judges of the district court." *Id.*; *see also* Minn. Stat. § 2.722, subd. 4a (2024) (providing that a referee vacancy occurs "[w]hen a referee of the district court dies, resigns, retires, or *is voluntarily removed from the position*" (Emphasis added.)).

Minnesota Statutes section 351.02 addresses vacancies in public office and provides, as relevant here:

Every office shall become vacant on the happening of either of the following events, before the expiration of the term of such office:

....

(4) the incumbent's ceasing to be an inhabitant of the state, or, if the office is local, of the district, county or city for which the incumbent was elected or appointed, or within which the duties of the office are required to be discharged.

Father's argument requires us to interpret whether a district court referee holds an "office" that is subject to the vacancy provisions in section 351.02. Whether the position of a district court referee qualifies as an "office" under section 351.02 is a question of first impression for Minnesota courts, and as a matter of statutory interpretation, it is one that we review de novo. *Cf. State v. Irby*, 848 N.W.2d 515, 518 (Minn. 2014) ("Whether a district court judgeship qualifies as a 'local' office under Minn. Stat. § 351.02(4) is a question of first impression for our court, and as a matter of statutory interpretation, it is one that we review de novo.").³

"The object of all interpretation and construction of laws is to ascertain and effectuate the intention of the legislature." Minn. Stat. § 645.16 (2024). "The first step in interpreting a statute is to determine whether the language is clear and unambiguous."

³ In his appellate brief, father asserts that remand is necessary for the district court to analyze whether section 351.02 applies to the presiding referee. But whether a district court referee holds an "office" under section 351.02 is a purely legal question that we review de novo. And because we conclude that referees do not hold an "office" under section 351.02, it is unnecessary for us to remand to the district court to determine whether the presiding referee had vacated her position pursuant to section 351.02, paragraph 4.

Broadway Child Care Ctr., Inc. v. Minn. Dep’t of Hum. Servs., 955 N.W.2d 626, 631 (Minn. App. 2021). “A statute is ambiguous if, as applied to the facts of the case, it is susceptible to more than one reasonable interpretation.” *Id.* “If the statute is unambiguous, our analysis ends, and we interpret the statute according to its plain meaning without resorting to the canons of statutory construction.” *Spann v. Minneapolis City Council*, 979 N.W.2d 66, 73 (Minn. 2022) (quotation omitted).

Section 351.02 does not provide a statutory definition for a qualifying “office” under the statute. “In the absence of a statutory definition, we generally turn to the plain, ordinary meaning of a statutory [word or] phrase.” *State v. Leathers*, 799 N.W.2d 606, 609 (Minn. 2011). “We can determine the plain meaning of statutory words and phrases by construing them according to the rules of grammar and common usage based on their context” *State v. Gutzke*, 996 N.W.2d 219, 224 (Minn. App. 2023). “In considering whether a statute is ambiguous, the statute must be construed as a whole and the words and sentences therein are to be understood in light of their context.” *State v. Alarcon*, 932 N.W.2d 641, 646 (Minn. 2019) (quotations omitted); *see also State v. Gaiovnik*, 794 N.W.2d 643, 647 (Minn. 2011) (“[W]e do not examine different provisions [of a statute] in isolation.”).

A cursory reading of section 351.02 may suggest that the position of a district court referee is an “office” to which the vacancy provisions in that statute apply. The statute provides that “[e]very *office* shall become vacant” upon the happening of certain events, and one might suppose that the common understanding of the phrase “every office” broadly refers to any public position of duty, trust, or authority that an individual holds, including, as relevant here, a district court referee position. Minn. Stat. § 351.02 (emphasis added).

But interpreting the phrase within the context of the entire statute, the plain meaning of “office” clearly refers to the types of elected or appointed positions that a person holds *for a fixed term*. Cf. *Oehler v. City of St. Paul*, 219 N.W. 760, 763 (Minn. 1928) (“The words ‘office’ and ‘officer’ are terms of vague and variable import, the meaning of which necessarily varies with the connection in which they are used . . .”), *overruled on other grounds by*, *Minn. Voters All. v. Hunt*, 10 N.W.3d 163 (Minn. 2024). By its express language, section 351.02 only applies to an office when certain events occur “before the expiration of the term of such office.” In other words, section 351.02 determines when there is a vacancy in certain fixed-term positions. See also Minn. Stat. § 351.02(8) (providing that one event triggering a vacancy in an office is “the death of the person elected or appointed to fill a vacancy, or for a full term, before the person qualifies, or before the time when by law the person should enter upon the duties of the office, in which case *the vacancy shall be deemed to take place at the time when the term of office would have begun* had the person lived” (Emphasis added.)). Therefore, we interpret the plain meaning of the word “office” as used in section 351.02 to refer to those appointed or elected positions that a person holds for a fixed term.

This plain meaning of “office” is consistent with precedential caselaw applying section 351.02 to district court judgeships, as district court judges and similarly situated constitutional office holders serve for fixed terms. See *Irby*, 848 N.W.2d at 518-19 (concluding that a district court judge holds a statewide office and not a “local” office under section 351.02, paragraph 4).

We conclude that the meaning of “office” in section 351.02 is unambiguous because it is not subject to more than one reasonable interpretation with respect to a district court referee. Father’s suggested interpretation of section 351.02 as applying to the position of a district court referee does not have a reasonable basis in the statutory text because a person appointed as a district court referee does not hold that position for a fixed term.⁴ We thus conclude that a district court referee does not hold an “office” under section 351.02.

Because a referee does not hold an “office” within the meaning of section 351.02, father has identified no prejudicial error in the district court’s decisions rejecting his referee-residency arguments.⁵

IV. The order appointing a special master is not within the scope of our review.

Finally, father seeks review of the district court’s June 18 order appointing a special master.

⁴ Because we conclude that the meaning of “office” in section 351.02 is unambiguous, “we interpret the statute according to its plain meaning without resorting to the canons of statutory construction.” *State v. Serbus*, 957 N.W.2d 84, 87 (Minn. 2021) (quotation omitted). We observe, however, that father’s interpretation of section 351.02 would also place the general vacancy provisions of section 351.02 in conflict with specific statutory provisions that address when a district court referee vacancy occurs, Minn. Stat. § 2.722, subd. 4a, and provide exclusive, discretionary removal power of referees to the judges of the judicial district, Minn. Stat. § 484.70, subd. 1. *See* Minn. Stat. § 645.26, subd. 1 (2024) (“When a general provision in a law is in conflict with a special provision in the same or another law, the two shall be construed, if possible, so that effect may be given to both.”).

⁵ Father also argues that the “combined effect” of the alleged defects in the district court’s orders substantially prejudiced him. But father has failed to establish any prejudicial error in the district court’s decisions, so he cannot establish that he was substantially prejudiced by the cumulative effect of the district court’s decisions.

The Minnesota Rules of Civil Appellate Procedure allow an appeal from final orders that resolve motions to modify custody, visitation, maintenance, or child support. Minn. R. Civ. App. P. 103.03(h); *Phillips v. LaPlante*, 823 N.W.2d 903, 905 (Minn. App. 2012), *rev. denied* (Minn. Aug. 6, 2013). An appeal may also be taken from “final” decisions “affecting a substantial right” in an administrative or special proceeding. Minn. R. Civ. App. P. 103.03(g). “On appeal from or review of an order the appellate courts may review any order affecting the order from which the appeal is taken,” and we may “review any other matter as the interest of justice may require.” Minn. R. Civ. App. P. 103.04.

The appointing order provides that the special master is “to implement” the division of marital property. Because the appointing order contemplates additional proceedings, it is not a final order. Accordingly, it is not appealable under Rules 103.03(g) or 103.03(h).

Father suggests that the appointing order is nonetheless reviewable as part of this appeal because it is an “order affecting the order from which the appeal is taken.” *Id.* He asserts that the appointing order is “inextricably intertwined with the support issues,” but the basis for this assertion is neither clear nor explained. The appointing order explicitly provides that “[t]he Special Master is prohibited from addressing issues of child support, custody, and parenting time unless the parties agree, in writing, that the Special Master may address such issues, and the Special Master agrees to address such issues.” The record lacks any indication that the parties or the special master agreed that the special master would address child-support issues, and the special master did not submit recommended findings for either the July 14 or November 24 orders. Father makes no other attempt to explain how the appointing order affects either the July 14 or November 24 orders.

Because the appointing order is not appealable and does not affect an order from which the appeal is taken, it is beyond the scope of our review, and we do not address it.⁶

Affirmed.

⁶ We observe that a party aggrieved by the appointment of a special master may move the district court to review the special master's orders. Minn. R. Civ. P. 53.07. The movant may challenge the appointing order as part of a timely appeal from a final judgment or final order adjudicating the underlying substantive issues. *See Brickner v. One Land Dev. Co.*, 742 N.W.2d 706, 712 (Minn. App. 2007) (reviewing appellant's challenge to both "the district court's appointment of a special master to determine costs and attorney fees for the slander of title and the amount of the award"), *rev. denied* (Minn. Mar. 18, 2008).