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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A26-0398**

In Re the Estate of Gregory S. MacDonald, Deceased.

**Filed October 5, 2026
Affirmed
Rasmusson, Judge**

Carlton County District Court
File No. 09-PR-22-575

Jennifer MacDonald, Duluth, Minnesota (pro se appellant)

Benjamin M. Scheel, Sycamore Law PLLC, Lake Elmo, Minnesota (for respondent Susan Wehrenberg)

Considered and decided by Connolly, Presiding Judge; Reyes, Judge; and Rasmusson, Judge.

NONPRECEDENTIAL OPINION

RASMUSSON, Judge

In this probate action, appellant challenges the district court's order accepting the final account and settling her father's estate, claiming that the district court erred by relying on insufficient documentation and denying her the opportunity to submit additional evidence. After considering appellant's standing to appeal the district court's order and concluding that the district court did not deny her due process, we affirm.

FACTS

This case involves a formal, unsupervised probate. Appellant Jennifer MacDonald is the daughter and devisee of decedent Gregory Scott MacDonald, who died on November 18, 2021. In his will, decedent made devises to several individuals, including gifting to MacDonald the sale proceeds from multiple vehicles. The decedent gave the residue of his estate to his sister, respondent Susan Wehrenberg, who is also the estate's personal representative.

In January 2023, Wehrenberg issued a beneficiary form and check payments totaling \$11,000 to MacDonald, informing her that the vehicles had been sold for that amount. Wehrenberg also filed an initial inventory with the district court, listing the values of the estate's assets and liabilities, including an itemized list of the vehicles sold and the sale prices.

After paying the estate expenses and distributing the devises according to the will, Wehrenberg was left with the residue. Wehrenberg gifted significant amounts of her residue in accordance with prior conversations with the decedent, who had expressed a desire to indirectly provide for MacDonald and her minor son in a manner that preserved MacDonald's disability benefits. Out of her residue, Wehrenberg paid off the remainder of MacDonald's home mortgage and started a 529 account for MacDonald's 16-year-old son.¹ These two gifts totaled over \$95,000. Wehrenberg also made two other gifts totaling approximately \$11,000. Wehrenberg transferred her remaining funds into an Edward Jones

¹ A 529 account is a specialized account for education savings as described in I.R.C. § 529 (2024).

account, which she intends to use to renovate a family cabin for herself and the decedent's other siblings.

In July 2025, MacDonald filed a probate objection and a letter explaining her concerns that Wehrenberg had taken funds meant to go to MacDonald and her son. MacDonald's letter indicated that she was prepared to provide supporting documentation and alleged that the will was "written very ambiguously," so this additional evidence would be helpful to illuminate the decedent's intention. She also requested that the district court compel Wehrenberg to provide a final accounting of the estate.

At the hearing on MacDonald's probate objection, MacDonald informed the district court that she had evidence of Wehrenberg saying that she and her son would get "all that was possible from the estate." MacDonald also raised a complaint on behalf of her son regarding distribution of the decedent's guns. MacDonald alleged that Wehrenberg breached her fiduciary duty as personal representative in her insufficient accounting and ultimate distribution of estate assets. The district court continued the matter so that it could address MacDonald's objections after receipt of the final accounting.

Wehrenberg provided the final account to the district court and MacDonald two weeks before the continued hearing. After receiving the final account, MacDonald reached out to the attorney with questions and the attorney responded to her email on the eve of the hearing.

At the hearing, MacDonald argued that Wehrenberg sold the vehicles for thousands of dollars under fair market value. She also emphasized that she had emails and text messages from Wehrenberg indicating that it was the decedent's wish that MacDonald and

her son would be the recipients of the remaining funds after “bills and other payoffs.” Based upon the testimony at the hearing, the district court allowed the final account and settled the estate.

MacDonald appeals.

DECISION

MacDonald challenges the district court’s order accepting the final account and settling the estate on the grounds that the final account lacked supporting documentation for various distributions and that the district court issued its order without admitting her documentation.

Appellate courts review a district court’s probate order for abuse of discretion. *In re Est. of Hoppke*, 388 N.W.2d 754, 756 (Minn. App. 1986). “A district court abuses its discretion when its decision is based on an erroneous view of the law or is inconsistent with the facts in the record.” *In re Stisser Grantor Tr.*, 818 N.W.2d 495, 508 (Minn. 2012). Minnesota Statutes section 524.3-1001(a)(1) (2024) provides the process for settlement of an estate:

A personal representative or any interested person may petition for an order of complete settlement of the estate. . . . After notice to all interested persons and hearing the court may enter an order or orders, on appropriate conditions, determining the persons entitled to distribution of the estate, and, as circumstances require, approving settlement and directing or approving distribution of the estate and discharging the personal representative from further claim or demand of any interested person.

Wehrenberg argues that MacDonald does not have standing to contest this order because all of her complaints “concern distributions from the residue” in which MacDonald

“has no property interest.” To properly analyze MacDonald’s claims, we first determine which claims she had standing to present, which in turn informs which issues she has standing to appeal. We then evaluate whether the district court denied MacDonald due process by not admitting evidence pertaining to the issues for which she has standing.

I. MacDonald has standing only as to the vehicle-sale proceeds and the firearm gifts to her minor son.

Because standing is a jurisdictional issue, appellate courts review issues of standing de novo. *In re Gillette Children’s Specialty Healthcare*, 883 N.W.2d 778, 784 (Minn. 2016). “To have standing to appeal, a party must be aggrieved by the decision of a court from which the party appeals,” which occurs when “the adjudication of a court injuriously affects a party’s interests.” *Webster v. Hennepin County*, 910 N.W.2d 420, 434 (Minn. 2018); *see also* Minn. Stat. § 525.712 (2024) (any aggrieved party may appeal a probate matter). An “interested person” under the Minnesota Probate Code is defined to include “heirs, devisees, children, spouses, creditors, beneficiaries and any others having a property right in or claim against the estate of a decedent . . . which may be affected by the proceeding.” Minn. Stat. § 524.1-201(34) (2024). “[A] person having no interest in the subject of the litigation cannot be aggrieved and therefore has no right of appeal.” *In re Everett’s Tr.*, 116 N.W.2d 601, 603 (Minn. 1962). Furthermore, a person cannot gain standing by asserting the claim of another. *See In re Est. of Mealey*, 695 N.W.2d 143, 147 (Minn. App. 2005). But “[i]t is well established that a parent may bring an action on behalf of a minor child.” *Patzner v. Schaefer*, 551 N.W.2d 736, 737 n.2 (Minn. App. 1996).

MacDonald challenges the residue distributions claiming that the will was “written very ambiguously” and that she should be entitled to present evidence to the district court that Wehrenberg promised that all remaining funds would go to MacDonald rather than to Wehrenberg. Although MacDonald does not explain what she contends is ambiguous about the will, we evaluate whether the will is clear and unambiguous as to the distributions to MacDonald, her son, and Wehrenberg and, if so, which portions of the district court’s order MacDonald has standing to appeal as an aggrieved party.

The interpretation of a will presents legal questions that appellate courts review *de novo*. *In re Est. of Bach*, 979 N.W.2d 430, 433 (Minn. 2022). “The primary purpose of construing a will is to discern the testator’s intent.” *In re Est. & Tr. of Anderson*, 654 N.W.2d 682, 687 (Minn. App. 2002), *rev. denied* (Minn. Feb. 26, 2003). “[W]e determine the testator’s intent from a full and complete consideration of the entire will.” *In re Est. of Lund*, 633 N.W.2d 571, 574 (Minn. App. 2001); *see also In re Shields*, 552 N.W.2d 581, 582 (Minn. App. 1996) (“In construing a will, the cardinal rule is that the testator’s intention is to be gathered from the language of the will itself.” (quotation omitted)), *rev. denied* (Minn. Oct. 29, 1996).

“Extrinsic evidence of the meaning of a will is admissible only when the text of the will is ambiguous.” *In re Trs. A & B of Divine*, 672 N.W.2d 912, 917 (Minn. App. 2001). A will is ambiguous if “the language of the will, on its face, may suggest more than one interpretation,” or if, despite being clear on its face, “surrounding circumstances reveal more than one construction,” creating a latent ambiguity. *In re Est. of Arend*, 373 N.W.2d 338, 342 (Minn. App. 1985); *see also Bach*, 979 N.W.2d at 434 (“We gather intent from

everything contained within the four corners of the will, read in the light of the surrounding circumstances” (quotation omitted)).

Here, Article II of the decedent’s will, entitled “Special Gifts,” states in part, “In the event I have made one or more written lists which have been signed by me, . . . then I give the tangible personal property described in such list or lists to the persons named in such lists who survive me.” The decedent kept a signed personal-property list on which the decedent indicated he wanted to gift two of his guns to MacDonald’s minor son. The next section in Article II states, “I make the following specific devises,” followed by, “My automobiles, ATV and snow plow, are to be sold. The proceeds are to be given to my daughter Jennifer MacDonald.” Article III of the will, entitled “Residue,” reads as follows:

3. I give the residue of my estate consisting of all the property I can distribute by this Will and not effectively distributed by the preceding provisions of this Will as follows:

3.1 To my sister Susan Wehrenberg. I give Susan Wehrenberg a power of appointment, to decide upon the distribution of these assets in such amounts and in such manner as she deems appropriate.

We discern no ambiguity in the language of the will on its face. The will states that MacDonald was to receive the proceeds from the sale of various vehicles, MacDonald’s son was to receive two guns, and Wehrenberg was to receive the residue. The fact that the decedent also gave Wehrenberg power to decide how to distribute assets “in such manner as she deems appropriate,” does not change the gift of the residue to Wehrenberg. We further discern no latent ambiguity in the will created by Wehrenberg’s assurances made after decedent’s death.

Because the will was unambiguous and the decedent gave the residue to Wehrenberg, MacDonald does not have standing to appeal the district court's order as it pertains to Wehrenberg's transfers from the residue to third parties. However, MacDonald does have standing to appeal the order as it pertains to the devise of automobile-sale proceeds to her and the gift of guns to her minor son because she and her son, respectively, have protected property interests in these items.² On these issues, we next consider whether MacDonald was denied due process.

II. The district court did not deny MacDonald due process by not admitting her documentary evidence.

MacDonald argues that the district court denied her a meaningful opportunity to be heard when it limited her ability to present documentary evidence prior to approving the final accounting.

“The fundamental requirement of due process is the opportunity to be heard at a meaningful time and in a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (quotation omitted). Although “some form of hearing is required” before depriving an individual of a property interest, “[d]ue process is flexible and calls for such procedural protections as the particular situation demands.” *Id.* at 333-34 (quotation omitted). Furthermore, “an evidentiary hearing is neither a required, nor even the most effective, method of decisionmaking in all circumstances.” *Id.* at 348.

² In her arguments and briefing, MacDonald also asserted that Wehrenberg breached her duties as personal representative by not producing personal items for two cousins of the decedent and presented affidavits from those cousins. To the extent that she addresses other people's claims against Wehrenberg, MacDonald has no standing. *See Mealey*, 695 N.W.2d at 147.

Appellate courts review de novo, by conducting a two-step analysis, whether the government has violated a person’s due-process rights. *Sawh v. City of Lino Lakes*, 823 N.W.2d 627, 632 (Minn. 2012). First, we identify whether the person was deprived of a “protected life, liberty, or property interest.” *Id.* Because MacDonald has a protected property interest in the items devised to her and represents her minor son for purposes of items devised to him, *see* Minn. Stat. § 524.3-101 (2024), we move to the second step, where we must determine whether the district court used constitutionally sufficient procedures. *Sawh*, 823 N.W.2d at 632.

To be constitutionally sufficient, “procedures afforded by the government must provide an individual with notice and an opportunity to be heard” *Id.* (quotation omitted). To decide whether a procedure meets this standard, appellate courts typically apply the *Mathews* factors, which require the court to consider: (1) “the private interest that will be affected”; (2) “the risk of an erroneous deprivation of [the] interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards”; and (3) “the [g]overnment’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail. 424 U.S. at 335; *see also Sawh*, 823 N.W.2d at 633-35 (applying the *Mathews* factors).

MacDonald does not claim that she had no notice or that she had no opportunity to be heard, but rather that her opportunity to be heard was improperly restricted by the district court because she was unable to present her documentation prior to the district court’s acceptance of the final account.

At the initial hearing on MacDonald's objection, the district court continued the matter pending receipt of the final account from Wehrenberg. MacDonald asked the district court if she should send in her evidence, and the district court responded that the hearing would be "a review hearing," not an evidentiary hearing. However, the district court then added that the next hearing "may end up being an account hearing if everything is in order."

At the next hearing the district court informed the parties that the hearing would be "a final account hearing." The district court allowed MacDonald to voice all her concerns and Wehrenberg's attorney responded to each one. Throughout the exchange, MacDonald expressed concerns about the preservation of the estate and requested documentation for all of Wehrenberg's actions as personal representative. Wehrenberg's attorney responded that the reason Wehrenberg did not provide a detailed accounting was because "pursuant to the will's Article III, the entire residue is actually granted to [Wehrenberg] to distribute as she sees fit." Despite this, the attorney stated that the decedent had verbally requested that Wehrenberg support MacDonald and her son, which is why Wehrenberg made distributions to a 529 account for the son and paid off MacDonald's mortgage.

The first *Mathews* factor requires this court to consider the "private interest that will be affected by the . . . action." *See* 424 U.S. at 335. As detailed above, MacDonald has standing to address two private interests. The first is whether the vehicle sales were proper. The second is whether Wehrenberg properly handled the distribution of guns to MacDonald's son.

For the second *Mathews* factor, we examine the procedures used by the district court to address MacDonald's concerns over those interests. *See id.* Regarding the vehicle sales, the district court had a beneficiary form stating that sales prices "were determined according to offers made by purchasers and negotiation after consultation with [the decedent's] mechanic [who] was familiar with the status, age and condition of [the] vehicles." MacDonald testified that she provided Kelley Blue Book valuations for the vehicles to Wehrenberg, showing a value several thousand dollars higher than the total amount MacDonald received from Wehrenberg, which concerned MacDonald because Wehrenberg sold the vehicles to family members. Although MacDonald was unable to file the valuation documents, MacDonald's valuation information was presented to the district court.

Regarding the guns, MacDonald expressed concerns that Wehrenberg did not follow the decedent's wish that five of his guns should be transferred to her son. Wehrenberg's counsel stated that he had provided MacDonald with the decedent's most up-to-date personal-property list, which provided only two guns for the son. Furthermore, the decedent had instructed Wehrenberg that "he did not want any guns in Ms. MacDonald's house, and that he wanted the guns, the two specifically, to go to [her son] when he reached the age of 18." In addition to the information presented at the hearing, the district court also had the will, which provided that "[i]n the event that [the decedent has] made one or more written lists which have been signed by [the decedent] . . . then [the decedent gives] the tangible personal property described in such list or lists to the persons named in such lists." The decedent's personal-property list, containing multiple handwritten edits by the

decedent, was also part of the record. The final iteration of the personal-property list supports Wehrenberg's contention that the decedent left two guns to MacDonald's son.

As for the second *Mathews* factor, we conclude that, although the district court did not admit some of MacDonald's documentary evidence, she was able to fully present her concerns at the hearing. Other than the documentary evidence referenced by MacDonald, she presents no other additional or substantive procedures that would safeguard her claims.

Finally, we examine the last *Mathews* factor—the fiscal and administrative burden of MacDonald's request to submit additional documents. *See id.* The probate file was opened on March 31, 2022. Multiple hearings occurred and MacDonald raised her objections both in writing and at more than one hearing. There was no need for the district court to hold an additional hearing to receive documentary evidence that it had already received through MacDonald's testimony. Doing so would impose additional costs on the estate and add an unnecessary burden to public resources.

Balancing the three *Mathews* factors, we conclude that the district court afforded MacDonald constitutionally sufficient process. *See id.* at 335. MacDonald received a meaningful opportunity to be heard on all of her concerns and there was no risk of erroneous deprivation of her rights. *See id.* Accordingly, the district court did not deny MacDonald due process by limiting her ability to admit documentary evidence.

Affirmed.