

STATE OF MINNESOTA
IN COURT OF APPEALS

U.S. Bank Trust, N.A., as Trustee for LSF9
Master Participation Trust,

Respondent,

vs.

Robin K. Magee,

Appellant,

Housing and Redevelopment Authority of the
City of Saint Paul, et al.,

Defendants.

**SPECIAL
TERM
ORDER¹**

A26-1099

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

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND FOR THE
FOLLOWING REASONS:**

This appeal was filed on June 29, 2026. According to the notice of appeal, appellant Robin K. Magee seeks review of March 26, 2026 and May 29, 2026 orders. In a June 30, 2026 order, we construed this appeal as including a June 1, 2026 order granting respondent U.S. Bank Trust, N.A.’s motion to vacate part of a March 26, 2026 judgment and a June 1,

¹ Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

2026 order denying appellant's motion to vacate the entire judgment. We also questioned (a) whether respondent's foreclosure and breach-of-contract claims are pending in district court; (b) if so, whether the district court has entered a new final judgment adjudicating all claims against all parties; and (c) if not, whether this appeal must be dismissed as premature. The parties filed informal memoranda.

The register of actions indicates that, respondent U.S. Bank Trust, N.A. sued appellant in 2024, asserting claims of breach of contract and foreclosure regarding a condominium. In April 2025, appellant asserted counterclaims of unjust enrichment, quiet title, negligence, wrongful foreclosure, violation of the Fair Debt Collections Practices Act, violation of the Real Estate Settlement Procedure Act, and fraud.

In December 2025, respondent filed a motion for summary judgment requesting summary judgment on respondent's claims and appellant's counterclaims. Respondent also filed a motion for default judgment. In a March 26, 2026 order, the district court granted respondent's motions and directed the sheriff to conduct a foreclosure sale of the subject property. On March 26, 2026, the district court entered judgment on the March 26, 2026 order.

In April 2026, Appellant filed a motion to vacate the March 26, 2026 judgment. Respondent filed a motion to vacate the portion of the March 26, 2026 judgment related to the order of foreclosure. In a June 1, 2026 order, the district court vacated the portion of the March 26, 2026 judgment regarding respondent's foreclosure and breach-of-contract

claims. In a separate June 1, 2026 order, the district court denied appellant's motion to vacate the entire March 26, 2026 judgment.

An appeal may be taken from a final judgment or from a partial judgment entered pursuant to Minn. R. Civ. P. 54.02. Minn. R. Civ. App. P. 103.03(a). When multiple claims for relief or multiple parties are involved in an action, the court may direct the entry of a final judgment as to one or more but fewer than all the claims or parties only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment. Minn. R. Civ. P. 54.02. If the district court has not entered a final partial judgment under Minn. R. Civ. P. 54.02, a partial judgment is generally not appealable until entry of a final judgment adjudicating all remaining claims. *First Nat'l Bank of Windom v. Rosenkranz*, 430 N.W.2d 267, 267-68 (Minn. App. 1988). An appeal from a judgment before its entry is premature and must be dismissed. *Schaust v. Town Bd.*, 204 N.W.2d 646, 648 (Minn. 1973).

Appellant contends that the June 1, 2026 order denying appellant's motion to vacate is independently appealable under Minn. R. Civ. App. P. 103.03(j), which provides that an appeal may be taken "from such other orders or decisions as may be appealable by statute or under the decisions of the Minnesota appellate courts." Appellant asserts that "Minnesota courts have consistently exercised jurisdiction over Rule 60.02 denials in foreclosure proceedings without separate jurisdictional analysis."

None of the cases appellant cites in support of appellant's argument involve the denial of a motion to vacate in a foreclosure action. *See Gams v. Houghton*, 884 N.W.2d

611 (Minn. 2016) (deemed dismissal of personal-injury action); *Cole v. Wutzke*, 884 N.W.2d 634 (Minn. 2016) (deemed dismissal of personal-injury action); *Charson v. Temple Israel*, 419 N.W.2d 488, 489 & n.1 (Minn. 1988) (dismissal of breach-of-employment-contract and defamation action for failure to timely file “Note of Issue/Certificate of Readiness”). And orders denying motions to vacate a final order or judgment are generally not appealable. *Angelos v. Angelos*, 367 N.W.2d 518, 519 (Minn. 1995). The June 1, 2026 order denying appellant’s motion to vacate is not independently appealable under Minn. R. Civ. App. P. 103.03(j).

Appellant also contends that the June 1, 2026 order denying appellant’s motion to vacate is independently appealable because it is analogous to an order denying a motion for summary judgment based on immunity. Appellant asserts that appellant’s “rights under Minn. Stat. § 582.043 and her constitutional homestead protection” are “protections against being subjected to the foreclosure process without legal compliance.” Appellant argues that if appellant “must endure a sheriff’s sale before any appellate court reviews whether those protections were honored, the protection is extinguished, not vindicated.”

A party may immediately appeal the denial of a motion for summary judgment based on immunity. *Anderson v. City of Hopkins*, 393 N.W.2d 363, 364 (Minn. 1986). An order denying a motion for summary judgment based on immunity is immediately appealable because it potentially compels a party to take on the burden of litigation that the party has the legal right to avoid. *Id.*

Appellant does not cite any authority that treats defenses to a foreclosure action like immunity from suit. Because appellant has not established that appellant's defenses invoked a recognized right to avoid the burden of litigation, the June 1, 2026 order denying appellant's motion to vacate is not analogous to an order denying a motion for summary judgment based on immunity.

The district court vacated the portion of the March 26, 2026 judgment regarding respondent's foreclosure and breach-of-contract claims, including its directive to conduct a sheriff's sale. If the district court enters a new final judgment adjudicating those claims, appellant can file a new appeal from that judgment under Minn. R. Civ. App. P. 103.03(a). In that appeal, appellant can seek review of the portion of the March 26, 2026 judgment regarding appellant's counterclaims. *See* Minn. R. Civ. App. P. 103.04 (stating that on appeal from a judgment we "may review any order involving the merits or affecting the judgment"). Appellant can obtain effective review of the district court's decision on the foreclosure claim by filing an appeal from a new final judgment. The June 1, 2026 order denying appellant's motion to vacate is not independently appealable.

Because the district court vacated the portion of the March 26, 2026 judgment regarding respondent's foreclosure and breach-of-contract claims, the March 26, 2026 judgment no longer resolves all the claims and is therefore not a final judgment. And because this appeal was filed before the district court entered a final judgment resolving the foreclosure and breach-of-contract claims, we must dismiss this appeal as premature.

See Schaust v. Town Bd., 204 N.W.2d 646, 648 (Minn. 1973) (stating that an appeal from a judgment before its entry is premature and should be dismissed)

In the alternative, appellant requests that we remand to the district court for certification of a final partial judgment under Minn. R. Civ. P. 54.02. Because the district court has not entered a new final judgment adjudicating the remaining claims, we have no jurisdiction over this appeal. Appellant cites no authority that allows us to remand a matter to the district court for certification of a final partial judgment when we lack jurisdiction over an appeal. We therefore deny appellant's request to remand this matter for certification of a final partial judgment.

Lastly, appellant requests that we stay district court proceedings pending resolution of the jurisdictional question. Because this appeal is being dismissed for lack of jurisdiction, we deny appellant's request for a stay of district court proceedings as moot.

IT IS HEREBY ORDERED:

1. This appeal is dismissed as premature.
2. Appellant's request to remand this matter to the district court for certification of a final partial judgment is denied.
3. Appellant's request for a stay of district court proceedings pending resolution of the jurisdictional question is denied as moot.
4. Appellant may seek review of the portion of the March 26, 2026 judgment regarding appellant's counterclaims and the June 1, 2026 orders in a timely appeal from a final judgment resolving the remaining foreclosure and breach-of-contract claims.

5. The clerk of the appellate courts shall provide copies of this order to the Honorable Mark Ireland, the self-represented appellant, counsel for respondent, and the district court administrator.

Dated: July 21, 2026

BY THE COURT

A handwritten signature in blue ink, reading "Michelle A. Larkin", is written over a horizontal line.

Michelle A. Larkin
Presiding Judge