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Minn. Stat. § 480A.08, subd. 3 (2014).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A14-1306**

In re: Estate of Beverly Ann Norman
a/k/a Beverly A. Norman

**Filed March 9, 2015
Affirmed; motion denied
Ross, Judge**

Cass County District Court
File No. 11-PR-13-1007

James E. Norman, Bismarck, North Dakota (pro se appellant)

Lee Knaus, West Fargo, North Dakota (pro se respondent)

Sandra A. Bauman, Chandler, Arizona (pro se respondent)

Considered and decided by Ross, Presiding Judge; Kirk, Judge; and Reilly, Judge.

UNPUBLISHED OPINION

ROSS, Judge

Prison inmate James Norman is contesting the administration of his deceased mother's estate. The district court allowed the settling of the estate after Norman's sisters Lee Ann Knaus and Sandra Bauman, acting as personal representatives, gave a final accounting of the estate property. We deny Norman's motion to add new documents to the record on appeal because accepting the documents is neither necessary nor proper. Because Norman's arguments claiming error do not persuade us, we affirm.

FACTS

Beverly Norman died in March 2013, survived by five children. Three of them are appellant James Norman and respondents Lee Ann Knaus and Sandra Bauman. Beverly and her now-deceased husband, James Norman Sr., executed a will in 2011. The will bequeathed their entire estate to Beverly on her husband's death and then to their five children to "share and share alike" on Beverly's death. The will also identified Jeff Norman (James Sr.'s brother) and Knaus as personal representatives. But Jeff Norman renounced the assignment and nominated Bauman instead. The district court formally probated the will and appointed Knaus and Bauman as personal representatives.

James, who for more than 22 years has been serving a life sentence in prison in North Dakota, objected to the appointment. He claimed that Knaus and Bauman stole property and misled the court. He was specifically concerned about property he says he left with his parents before he began his prison sentence. The district court conducted a hearing on James's objection, affirming the appointments after finding that James offered insufficient evidence to support his claims of theft and fraud.

James then tried to reclaim his supposedly missing items under a different strategy. He petitioned the estate for \$4,290 to cover his "stolen/missing property." Addressing that petition, the district court held another hearing and reached the same conclusion as before:

Although there may have been additional property items belonging to James E. Norman, Jr., left with his parents when he was incarcerated, there is no evidence the unfound property was ever part of the Estate.

. . . James E. Norman, Jr., went to prison 22 years ago. The Estate is not responsible for what happened over the last 22 years prior to the Estate coming into existence. The Court does not find sufficient evidence to suggest that Sandra Bauman, Lee Ann Knaus or Dee Mund stole or misappropriated any of these personal property items.

James next moved the district court judge to remove herself from presiding over the case on the ground that she was biased against him. James charged that she was “continuing to allow Knaus [and] Bauman to take property out of the Estate without being held accountable for said property that was to be sold and put into the Estate account.” The district court denied the motion.

The personal representatives filed their final accounting and petitioned the court to allow the distribution of the estate assets. James objected. He continued to maintain that personal property was missing from the estate and that numerous transactions in the final accounting were not properly documented. Citing bias, Norman again moved the judge to remove herself.

The district court conducted another hearing on James’s objections. Bauman testified that she had made a number of transactions on behalf of the estate to pay estate bills, funeral expenses, and insurance premiums. She explained that the final accounting reflected those expenditures. James participated by telephone from prison, and he cross-examined Bauman. It did not go smoothly. The district court constantly instructed James to ask questions of the witness rather than argue with her. James began arguing with Bauman over a chest that he says was sent to him in poor condition. When the district court attempted to moderate the argument, James again urged the judge to remove herself

from the case. The district court explained that the removal request had already been resolved. James then erupted, “You ask for proof, and I give you proof that they’re defrauding the estate, and then you sit there and jump around with your godd--n bulls--t.” That’s when the district court terminated the telephone connection with James and conducted the balance of the hearing without him.

The district court’s order allowed the final accounting and settling of the estate. It found that the estate consisted of \$46,191.71 available for distribution to the designated beneficiaries. It found that Knaus owed the estate \$10,000 for a loan from her parents. It allocated James his share of the estate—\$11,547.93.

James appeals.

DECISION

James Norman appeals from the district court’s order allowing the final accounting and settling the estate. He bases his appeal on various grounds. We first address the most recent motion he has filed with this court and then address his challenges to the district court’s order.

Norman filed a motion with this court asking that we obtain the “Exhibit Brief” he filed in the district court and “order the transcripts from the prior hearing.” We deny the motion for two reasons. First, the exhibit brief is already part of the appellate record. Second, the Minnesota Rules of Civil Appellate Procedure require the appellant within 10 days after filing the notice of appeal to “order from the reporter a transcript of those parts of the proceedings not already part of the record which are deemed necessary for inclusion in the record.” Minn. R. Civ. App. P. 110.02, subd. 1(a). The record does not

indicate that Norman followed this rule and ordered the transcript from the “prior hearing,” nor, as a practical matter, does he identify which prior hearing he refers to. And he filed his motion long after the 10-day deadline. The motion is therefore not proper or timely.

Norman argues that the district court erred by settling the estate because more than 25 pieces of personal property are either missing from the final accounting or were improperly administered. The district court looked closely at Norman’s repeated allegations of theft, fraud, missing property, and improper estate administration, and it found the allegations to be unsupported. Norman gives us no reason on appeal to deem the district court’s repeated findings erroneous, and we do not question the district court’s unassailable assessment that the estate is not responsible for personal property that Norman left with his parents long ago, before his imprisonment. It is not implausible that at some point during those 22 years they found other homes for the mounted walleye, Nintendo game, and Elvis whiskey decanter, along with other now-unaccounted-for valuables. Norman has the burden of demonstrating error. *See Horodenski v. Lyndale Green Townhome Ass’n, Inc.*, 804 N.W.2d 366, 372 (Minn. App. 2011). He has not carried his burden.

Norman also fails to demonstrate that the district court erred by approving the final accounting without requiring the personal representatives to produce “Official and Certified Records of Banking Records.” He cites no legal authority to support his proposition that these records are required. We will not consider arguments that are unsupported by legal authority “unless prejudicial error is obvious on mere inspection.”

State v. Modern Recycling, Inc., 558 N.W.2d 770, 772 (Minn. App. 1997) (quotation omitted). No obvious prejudicial error presents itself here. Norman similarly offers no authority to support his argument that he is entitled to reimbursement from the estate for his expenses incurred to support his position in the estate contest. We reject the argument.

Norman maintains that Knaus acted improperly by buying their mother's vehicle at a scrap-metal price and using their mother's bank card without permission. These allegations are not apparently supported by evidence in the record. We require record citations for all purported material facts stated in briefing. Minn. R. Civ. App. P. 128.02, subd. 1(c), 128.03. Norman did not comply with this rule, and we therefore will not further address his arguments.

Norman contends last that the district court erred by not responding to two motions he filed: a motion to separate the personal representatives' attorney fees from the estate expenses and a second motion to remove the district court judge. Norman filed many motions in the district court. But few included notice of a hearing date—notice required by court rules:

A hearing date and time shall be obtained from the court administrator or a designated motion calendar deputy. A party obtaining a date and time for a hearing on a motion . . . shall promptly give notice advising all other parties who have appeared in the action so that cross motions may, insofar as possible, be heard on a single hearing date.

Minn. R. Gen. Pract. 115.02. If a party brings a motion but does not comply with the notice requirement, a district court need not consider the motion. Minn. R. Gen. Pract.

115.06. Because Norman's motions did not include notice of a hearing date, the district court was not bound to respond to them and did not err by refusing to consider them.

Affirmed.