

STATE OF MINNESOTA
IN COURT OF APPEALS

A23-1074



In re the Estate of: Joseph Michael Robbie
a/k/a Joseph M. Robbie, Deceased.

ORDER OPINION

McLeod County District Court
File No. 43-PR-22-636

Considered and decided by Frisch, Presiding Judge; Worke, Judge; and Gaïtas, Judge.

BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:

1. In this probate appeal, appellant Dwyn Robbie challenges the district court's disallowance of her claim against the estate of her ex-husband Joseph Michael Robbie (decedent). The district court concluded that appellant's claim, based on a 2001 Florida judgment entered in connection with the Robbies' divorce, was time-barred under Minnesota Statutes section 541.04 (2022), which provides a ten-year statute of limitations for enforcement of judgments. *See Gerber v. Gerber*, 714 N.W.2d 702, 702 (Minn. 2006) (referring to the ten-year limit on enforcing judgments in section 541.04 (2004) as a statute of limitations). During the proceedings before the district court and on appeal, appellant argued that her claim was not time-barred because she properly renewed the 2001 Florida judgment in accordance with Florida law. But neither appellant nor the estate raised the

issue of the applicability of the Uniform Enforcement of Foreign Judgments Act (UEFJA), *see* Minn. Stat. §§ 548.26-.33 (2022), to appellant’s claim, and the district court did not address this issue. We now reverse the district court’s order disallowing the claim and remand to enable the district court to consider in the first instance whether, and how, the UEFJA and the body of caselaw interpreting the UEFJA impacts the timeliness of appellant’s probate claim.

2. Appellant and decedent divorced in 1993. Their divorce proceedings occurred in Florida, where the couple had been living. While the divorce proceedings were pending in Florida, decedent moved to Minnesota. In 2001, a Florida court entered judgment in favor of appellant, awarding her a portion of decedent’s shares in the Miami Sports Corporation. In total, the judgment was \$1,536,143.30, plus interest. In 2002, appellant docketed the 2001 Florida judgment in Crow Wing County, Minnesota, in an attempt to collect the judgment from decedent. But for reasons not reflected in the record, the judgment was never enforced.

3. In February 2021, appellant filed an action in Florida to renew the 2001 judgment (Florida action). The decedent, who was still alive at the time, admitted in the answer to appellant’s complaint that the Florida court had personal jurisdiction over him, but he objected to the action on other grounds not relevant to this appeal.¹ In October 2021, decedent passed away intestate. At the time of decedent’s death, the proceeding to renew

¹ The decedent had been the subject of a guardianship and conservatorship that were granted in 2005; decedent’s sister was appointed as his guardian and conservator. Both the guardianship and conservatorship were ongoing when the Florida action was filed and continued until his death.

appellant's 2001 judgment was still pending. The personal representative (PR) of decedent's estate was substituted as a party in the Florida action. In November 2022, a Florida court granted appellant's motion for summary judgment, renewed the 2001 judgment, and awarded appellant \$2,478,937.64,² plus interest. The Florida court also denied the PR's motion to dismiss the Florida action for lack of personal jurisdiction. Florida's Fourth District Court of Appeals affirmed the November 2022 judgment.

4. Appellant filed a written statement of claim against decedent's estate—which was probated in Minnesota—based on the November 2022 renewal of the 2001 Florida judgment. The PR, and ultimately the district court, disallowed the claim. The district court, stating that it had “exclusive jurisdiction over the validity and amount of the claims” against decedent's estate, concluded that appellant's claim was time-barred under section 541.04, which requires “a judgment or decree of a court of the United States, or of any state or territory thereof,” to be enforced within ten years of its entry. It reasoned that appellant's claim stemmed from the 2001 Florida judgment and, under section 541.04, “more than ten years have lapsed since the foreign judgment was originally recognized in Minnesota.”

5. Appellant appealed the disallowance of her probate claim to this court.

6. Appellate courts “review de novo the interpretation and application of a statute of limitations.” *Ford v. Minneapolis Pub. Schs.*, 874 N.W.2d 231, 232 (Minn. 2016).

² This figure includes the amount of the original Florida judgment and interest that accrued between 2001 and 2022.

7. The Full Faith and Credit Clause of the United States Constitution requires Minnesota to “recognize and enforce final judgments from other states.” *Blume L. Firm PC v. Pierce*, 741 N.W.2d 921, 924 (Minn. App. 2007); *see also* U.S. Const. art. IV, § 1 (stating that “Full Faith and Credit shall be given in each State to the . . . judicial Proceedings of every other State”). This clause, however, “does not bar application of the forum State’s statute of limitations to claims that in their substance [are] . . . governed by the law of a different State.” *Sun Oil Co. v. Wortman*, 486 U.S. 717, 720 (1988).

8. As noted, section 541.04 provides that “[n]o action shall be maintained upon a judgment or decree of a court of the United States, or of any state or territory thereof, unless begun within ten years after the entry of such judgment.” Our supreme court has stated that section 541.04 creates “an absolute limit of ten years” on actions to enforce foreign judgments.³ *Knipfer v. Buhler*, 35 N.W.2d 425, 426 (Minn. 1948).

9. Yet “[a] ‘judgment may be renewed by an independent action upon the judgment [if] such an action [is] commenced within the ten-year period’” set out in section 541.04. *Amica Mut. Ins. Co. v. Wartman*, 841 N.W.2d 637, 640-41 (Minn. App. 2014) (quoting *In re Sitarz*, 150 B.R. 710, 724 n. 20 (Bankr. D. Minn. 1993)), *rev. denied* (Minn. March 18, 2014). If a renewal action is commenced within the limitations period, “the judgment is valid for an additional ten years.” *Id.* at 641. And “[a] renewed or revived

³ This section has not been amended in relevant part since its enactment. *See, e.g., Dahlin v. Kroening*, 796 N.W.2d 503, 507 (Minn. 2011) (noting that “the language providing for an action to renew a judgment in section[] 541.04 . . . has remained consistent since 1905,” except for certain amendments related to child-support payments).

[foreign] judgment is entitled to full faith and credit.” *Jensen v. Fhima*, 731 N.W.2d 876, 881 (Minn. App. 2007).

10. On appeal to this court, appellant asserted in her principal brief that, under Florida’s 20-year limitations period on the enforcement of judgments, she timely renewed the 2001 Florida judgment. *See* Fla. Stat. § 95.11(1) (2022) (providing that “[a]n action on a judgment or decree of a court of record in [Florida]” must be commenced “within twenty years” of the entry of the judgment). She argued that because she properly renewed the judgment in Florida, it is not time-barred under section 541.04. *See Amica*, 841 N.W.2d at 641. Thus, according to appellant, the 2022 Florida judgment is entitled to full faith and credit in decedent’s probate proceedings. *See Jensen*, 731 N.W.2d at 881.⁴

11. The UEFJA—a uniform act that Minnesota has expressly adopted—states “that judgments from other states are ‘subject to the same procedures, defenses and proceedings for reopening, vacating, or staying as a judgment of a district court or the Supreme Court of this state, and may be enforced or satisfied in like manner.’” *Blume*, 741 N.W.2d at 924 (quoting Minn. Stat. § 548.27 (2006)); Minn. Stat. §§ 548.26-.33 (setting forth Minnesota’s version of the UEFJA). Minnesota courts are tasked with applying the UEFJA in a way that “effectuate[s] its general purpose to make uniform the law . . . among

⁴ Appellant also argued that the district court erred by concluding that it had exclusive jurisdiction over her claim. She contends that if her claim is *not* time-barred under section 541.01, the 2022 Florida judgment already decided the validity and amount of her claim, and the Minnesota probate code, the Full Faith and Credit Clause, and the doctrines of judicial comity, res judicata, and collateral estoppel, all require the district court to recognize and allow her probate claim. Because we are reversing and remanding the timeliness issue for further consideration by the district court, we do not address the merits of these additional arguments.

those states which enact it.” Minn. Stat. § 548.32; *see also State Inc. v. Sumpter & Williams*, 553 N.W.2d 719, 723 (Minn. App. 1996) (evaluating how other states have decided similar cases under the UEFJA).

12. Following oral argument in this case, we ordered the parties to submit supplemental briefing addressing the applicability of the UEFJA to this appeal. We specifically asked the parties to brief the issue of whether, under Minnesota *or* foreign caselaw addressing the UEFJA, a foreign judgment is enforceable “if that judgment was renewed within the time to do so in the state of its issuance but beyond the time to do so in the state in which a party seeks to enforce it.” Additionally, we inquired about the interplay between the UEFJA and the Minnesota probate code.

13. Generally, a reviewing court “consider[s] only those issues that the record shows were presented and considered by the trial court in deciding the matter before it.” *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988). This includes matters involving the applicability of the statute of limitations. *Id.* (“[An appellate] court will not consider the applicability of the statute of limitations on appeal, even though the question was raised below, if it was not passed on by the trial court.”). Furthermore, a party may not “obtain review by raising the same general issue litigated below but under a different theory.” *Id.*

14. On the other hand, appellate courts are obligated “to decide cases in accordance with law . . . [and] that responsibility is not to be diluted by counsel’s oversights, lack of research, failure to specify issues or to cite relevant authorities.” *State v. Hannuksela*, 452 N.W.2d 668, 673 n.7 (Minn. 1990) (quotation omitted). When there is nothing “novel or questionable” about the relevant law, an appellate court has a duty to

apply it even when not raised by counsel. *Id.*; see *Moorhead Econ. Dev. Auth. v. Anda*, 789 N.W.2d 860, 875 (Minn. 2010) (citing *Hannuksela* in a civil case); *Greenbush State Bank v. Stephens*, 463 N.W.2d 303, 306 n.1 (Minn. App. 1990) (same), *rev. denied* (Minn. Feb. 4, 1991); see also Minn. R. Civ. App. P. 103.04 (stating that an appellate court may take “any” action “as the interest of justice may require”).

15. We discern nothing novel or questionable about the applicability of the UEFJA in the context of this case. But the district court did not address whether, under the UEFJA, a foreign judgment is enforceable if that judgment was renewed in accordance with the law of the issuing state but not in accordance with the law of the state where the party seeks to enforce the judgment. Thus, while we will not address the UEFJA in the first instance, we conclude that, under *Hannuksela*, *Anda*, *Stephens*, and rule 103.04 of the civil appellate procedure rules, it is appropriate to remand this case to the district court to consider the UEFJA. Thus, we reverse the disallowance of appellant’s probate claim and remand to the district court. On remand, the district court should afford the parties a chance to fully argue this issue and should reconsider its previous order in light of its decision regarding the UEFJA.⁵

⁵ We do not decide the effect of the UEFJA on the merits of this case or the underlying merits of appellant’s probate claim. Additionally, we do not decide respondent’s appellate argument that the Florida court lacked personal jurisdiction over the decedent’s PR in the Florida action. The arguments raised by the parties in their principal briefs on appeal are still live and may be reasserted alongside any arguments made to the district court regarding the UEFJA and in any resulting appeal.

IT IS HEREBY ORDERED:

1. The district court's order is reversed and remanded.
2. Pursuant to Minn. R. Civ. App. P. 136.01, subd. 1(c), this order opinion is nonprecedential, except as law of the case, res judicata, or collateral estoppel.

Dated: 5/2/2024

BY THE COURT

Theodora Gaïtas

Judge Theodora Gaïtas