

*This opinion is nonprecedential except as provided by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
A23-1769**

In re the Marriage of:

Cornelia Michelle Bourquin aka
Cornelia Michelle Elzy Bourquin, petitioner,
Appellant,

vs.

Scott Allen Bourquin,
Respondent.

**Filed December 16, 2024
Affirmed
Bjorkman, Judge**

Sherburne County District Court
File No. 71-FA-20-355

Kassius O. Benson, Minneapolis, Minnesota (for appellant)

Tasya Rivera Martin, Terzich & Ort, LLP, Maple Grove, Minnesota (for respondent)

Considered and decided by Johnson, Presiding Judge; Bjorkman, Judge; and
Wheelock, Judge.

NONPRECEDENTIAL OPINION

BJORKMAN, Judge

Appellant-wife challenges the denial of her motion to hold respondent-husband in constructive civil contempt of court for failing to comply with a court order. Because the record reveals no abuse of discretion by the district court, we affirm.

FACTS

The marriage of appellant Michelle deux Spyce (wife) and respondent Scott Allen Bourquin (husband) was dissolved on August 16, 2022.¹ The dissolution judgment awarded wife a home that had been foreclosed upon by a bank and was under redemption. And the judgment required husband to sign over to wife two checks issued by an insurance company to cover the cost of repairing hail damage to the home's roof.

On August 31, wife moved the district court to hold husband in contempt of court in part for failing to sign over the insurance checks. The district court held a hearing on October 27, during which it orally ordered (the 2022 order) husband to execute a power of attorney (POA) by October 31, 2022, enabling his attorney to act on his behalf. The 2022 order further required husband's attorney, pursuant to husband's POA, to (1) communicate with the bank to permit wife full access to the loan information for the foreclosed property by October 31, 2022, and (2) sign the insurance checks and return them to wife by November 4, 2022.²

In August 2023, wife brought a second contempt motion, asserting that husband failed to comply with the 2022 order and requesting that he be required to pay her \$250,000 to purge the contempt. Following a hearing, the district court denied wife's motion,

¹ Wife sought and was granted a name change as part of the dissolution judgment. The case caption reflects wife's former name because "[t]he title of the action shall not be changed in consequence of the appeal." Minn. R. Civ. App. P. 143.01.

² The district court later confirmed these requirements in a written order.

reasoning that husband was not in contempt because he had fully complied with the 2022 order.

Wife appeals.

DECISION

We review a district court’s decision whether to invoke its contempt powers for abuse of discretion. *Sehlstrom v. Sehlstrom*, 925 N.W.2d 233, 239 (Minn. 2019). A district court abuses its discretion when it makes “findings of fact that are unsupported by the evidence, misappl[ies] the law, or deliver[s] a decision that is against logic and the facts on record.” *Woolsey v. Woolsey*, 975 N.W.2d 502, 506 (Minn. 2022) (quotation omitted).

Minnesota law authorizes district courts to impose criminal-contempt and civil-contempt orders. *State by Cunningham v. Iron Waffle Coffee Co.*, 990 N.W.2d 513, 519 (Minn. App. 2023). The distinction between the two is based on their purpose. *Id.* Criminal-contempt orders are punitive in nature and vindicate the court’s authority by punishing the contemnor for past disrespectful conduct. *Minn. State Bar Ass’n v. Divorce Assistance Ass’n*, 248 N.W.2d 733, 741 (Minn. 1976). On the other hand, civil-contempt orders are remedial devices designed to coerce future compliance with a court order. *Mower Cnty. Hum. Servs. ex rel. Swancutt v. Swancutt*, 551 N.W.2d 219, 222 (Minn. 1996).

Contemptuous conduct is categorized as either direct or constructive. Minn. Stat. § 588.01, subd. 1 (2022); *Iron Waffle*, 990 N.W.2d at 519. Direct contempt arises from actions taken in the presence of the court. Minn. Stat. § 588.01, subd. 2 (2022). In contrast, constructive contempt results from out-of-court actions or omissions, including disobeying a lawful court order. *Id.*, subd. 3(3) (2022).

Wife argues that the district court abused its discretion when it failed to hold husband in constructive civil contempt because (1) it clearly erred in finding that husband complied with the 2022 order and (2) its decision is against logic and common sense. Neither argument persuades us to reverse.

First, our careful review of the record reveals that husband fully complied with the 2022 order. Husband timely executed the POA, and his attorney communicated with the bank via phone call and letter on October 31, 2022, authorizing the bank to communicate with and grant wife access to the loan information. And husband's attorney sent the two endorsed insurance checks to wife, which she admitted receiving on November 4 and November 9, respectively. In short, ample evidence supports the district court's finding that husband complied with the 2022 order.

Second, husband's compliance with the 2022 order defeats wife's argument that the district court's decision was against logic and common sense. Wife contends that husband's brief delay in providing the insurance checks resulted in her losing the home, which, along with other actions husband took with respect to the dissolution, warrant holding him in contempt.³ But “[c]ivil contempt proceedings are designed to *induce future*

³ Husband devotes a significant portion of his brief to the contention that the district court misapplied the law when it required him to refinance a home-equity line of credit on a property awarded to him and remove wife's name from the loan. Because husband did not file a related appeal, we do not consider this argument. *See* Minn. R. Civ. App. P. 103.02, subd. 2 (providing that a party other than the appellant “may seek review of a judgment or order in the same action by serving and filing a notice of related appeal”); *Fish v. Ramler Trucking, Inc.*, 923 N.W.2d 337, 344 n.5 (Minn. App. 2019) (declining to address an argument raised by a respondent when the respondent did not file a notice of related appeal), *aff'd*, 935 N.W.2d 738 (Minn. 2019).

performance of a valid court order, not to punish for past failure to perform.” *Mahady v. Mahady*, 448 N.W.2d 888, 890 (Minn. App. 1989) (emphasis added). It is undisputed that at the time of the contempt hearing, husband had performed all of the acts required by the 2022 order. Simply put, there was nothing left for husband to do and nothing for the district court to compel through a contempt order.

In sum, we conclude that the district court did not abuse its discretion when it declined to hold husband in contempt of court.

Affirmed.