

STATE OF MINNESOTA
IN COURT OF APPEALS

A24-0081



John F Selleck,

Respondent,

Gerald Brunner,

Plaintiff,

vs.

Colin Rambo,

Appellant,

Jennifer Knudsen,

Appellant.

ORDER OPINION

Washington County District Court
File No. 82-CV-23-5596

Considered and decided by Schmidt, Presiding Judge; Worke, Judge; and Harris, Judge.

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

1. In December 2023, respondent-landlord John F. Selleck and plaintiff-landlord Gerald Brunner, filed an eviction action alleging that appellant-tenants Colin Rambo and Jennifer Knudsen failed to pay rent for October, November, and December, totaling \$3,600 in rent payments.

2. Following a hearing, the district court granted judgment to landlords for recovery of the premises. Tenants now challenge the judgment.

3. On appeal from an eviction judgment, we “review the district court’s legal conclusions de novo” and “uphold the district court’s factual findings unless they are clearly erroneous.” *Nationwide Hous. Corp. v. Skoglund*, 906 N.W.2d 900, 907 (Minn. App. 2018), *rev. denied* (Minn. Mar. 28, 2018).

4. Tenants first argue that they withheld rent because landlords breached the covenants of habitability. The record does not reflect that tenants raised this defense before the district court, and we therefore decline to consider it on appeal. *Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988) (“A reviewing court must generally consider only those issues that the record shows were presented and considered by the trial court in deciding the matter before it.” (quotation omitted)).

5. Tenants next argue that Selleck “coerced” Rambo to complete repairs without fair compensation. To support this assertion, tenants rely on material that we cannot consider because it is not included in the record on appeal. *See* Minn. R. Civ. App. P. 110.01 (“The documents filed in the trial court, the exhibits, and the transcript of the proceedings, if any, shall constitute the record on appeal in all cases.”); *NY Properties, LLC v. Schuette*, 977 N.W.2d 862, 866 (Minn. App. 2022) (declining to consider materials outside the record on appeal). And the record does not otherwise establish that tenants made the repairs that they rely on as the basis for this argument. We therefore cannot grant relief based on this assertion.

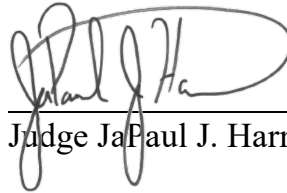
IT IS HEREBY ORDERED:

1. The district court’s judgment is affirmed.

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: June 24, 2024

BY THE COURT



A handwritten signature in black ink, appearing to read "Paul J. Harris", is written over a horizontal line. The signature is stylized with a large loop at the end.

Judge JaPaul J. Harris