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Minn. Stat. § 480A.08, subd. 3 (2010).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A11-1277**

Dean Aaron Anderson,  
Appellant,

vs.

Remington Model 597 .22 Rifle, Serial No. A2681109, et al.,  
Respondents.

**Filed June 25, 2012  
Affirmed  
Chutich, Judge**

Isanti County District Court  
File No. 30-CV-10-1136

Dean Aaron Anderson, Roseville, Minnesota (pro se appellant)

Jeffrey R. Edblad, Isanti County Attorney, Shila A. Walek Hooper, Assistant County  
Attorney, Cambridge, Minnesota (for respondents)

Considered and decided by Kalitowski, Presiding Judge; Chutich, Judge; and  
Randall, Judge.\*

**UNPUBLISHED OPINION**

**CHUTICH**, Judge

In this appeal from dismissal of his action for judicial determination of forfeiture,  
pro se appellant Dean Aaron Anderson argues that the district court erred by (1) finding

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\* Retired judge of the Minnesota Court of Appeals, serving by appointment pursuant to  
Minn. Const. art. VI, § 10.

that he was required to file proof of service with his claim; (2) dismissing his claim with prejudice; and (3) acting improperly. Because the district court properly determined that Anderson failed to comply with the filing requirements of Minn. Stat. § 609.5314 (2010), we affirm.

## **FACTS**

On June 3, 2010, Deputies from Isanti County (the county) executed a search warrant at Dean Aaron Anderson's residence, looking for evidence of controlled substances. During the execution of the search warrant, the deputies discovered and seized six guns from Anderson's home. The same day, the county served Anderson with a "Notice of Seizure and Intent to Forfeit Property" listing the guns as seized property.

On August 2, 2010, Anderson initiated an action in conciliation court to seek a judicial determination of the forfeiture under Minn. Stat. § 609.5314, subd. 3. Anderson did not serve the county with notice of his claim. The county eventually received notice of the action from court administration. After a conciliation court hearing, Anderson's claims were dismissed because he failed to file proof of service on the county attorney within 60 days as required by Minn. Stat. § 609.5314, subd. 3.

Anderson filed for removal to district court. The county filed a motion for summary judgment due to Anderson's failure to serve the county and file proof of service. The district court granted the motion and dismissed the case with prejudice. This appeal follows.

## DECISION

### I.

The district court's dismissal was based on Anderson's failure to file the proof of service when he filed his claim. A district court's "dismissal of an action for procedural irregularities will be reversed on appeal only if it is shown that the [district] court abused its discretion." *Sorenson v. St. Paul Ramsey Med. Ctr.*, 457 N.W.2d 188, 190 (Minn. 1990) (reviewing dismissal for failure to comply with statutory requirements).

Minn. Stat. § 609.5314, subd. 3(a), sets forth the following requirements to demand a judicial determination of an administrative forfeiture:

Within 60 days following service of a notice of seizure and forfeiture under this section, a claimant may file a demand for a judicial determination of the forfeiture. The demand must be in the form of a civil complaint and must be filed with the court administrator in the county in which the seizure occurred, *together with proof of service of a copy of the complaint on the county attorney for that county*, and the standard filing fee for civil actions unless the petitioner has the right to sue in forma pauperis under section 563.01.

(Emphasis added). The statute allows a claimant to file an action in conciliation court "[i]f the value of the seized property is \$7,500 or less." *Id.*

Anderson filed in conciliation court and argues, therefore, that the conciliation court procedural rules apply. When Anderson filed his claim in conciliation court, he received "Instructions for Conciliation Court Judicial Review of Property Seized" which stated: "If the property is valued at \$2,500.00 or less, the Court Administrator's Office will serve the demand claim form on the prosecuting authority . . . ." These instructions appear to be based on Minn. R. Gen. Pract. 508(d)(1), which requires the county

administrator to summon the defendant by first class mail for claims valued at less than \$2,500. Because Anderson valued his guns at \$2,400, he contends that court administration was supposed to serve the county, thereby relieving him of the requirement to file proof of service.

The forfeiture statute, however, explicitly requires the claimant to file the complaint “together with proof of service of a copy of the complaint on the county attorney.” Minn. Stat. § 609.5314, subd. 3(a). We hold that the specific statutory filing requirements of Minn. Stat. § 609.5314 govern over the general conciliation court rules. *See* Minn. Stat. § 645.26, subd. 1, (2010) (providing that when two statutes are in conflict, the specific governs over the general, absent specific legislative intent to the contrary); *Roehrdanz v. Brill*, 682 N.W.2d 626, 631 (Minn. 2004) (resolving a conflict between the General Rules of Practice and the Rules of Civil Procedure by “applying the specific rule over the general rule”); *State v. Askland*, 784 N.W.2d 60, 62 (Minn. 2010) (finding that the specific General Rule of Practice regarding bond forfeitures “narrows a court’s discretion” under the bond forfeiture statute).

Although the conciliation court instructions were misleading in these factual circumstances, Anderson was already on notice of the specific statutory requirements of Minn. Stat. § 609.5314, subd. 3, well before he received the conflicting instructions.<sup>1</sup> The notice of forfeiture that Anderson received on the very day that the guns were seized

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<sup>1</sup> Because the conciliation court instructions conflict with the more specific statutory provision on forfeiture in certain circumstances, we encourage the court administrator, or relevant authority, to conform the instructions to the specific statutory requirements of Minn. Stat. § 609.5314.

clearly warned him of the required steps that he must take to receive judicial review of the forfeiture. The notice advised Anderson, in capital letters, that if he did not “DEMAND JUDICIAL REVIEW EXACTLY AS PRESCRIBED IN . . . SECTION 609.5314, SUBDIVISION 3, YOU LOSE THE RIGHT TO A JUDICIAL DETERMINATION OF THIS FORFEITURE AND YOU LOSE ANY RIGHT YOU MAY HAVE TO THE ABOVE DESCRIBED PROPERTY.”

In addition, the specific requirements to receive a judicial determination were printed on the back of the notice, including the requirement that the claim is filed “together with proof of service.” Because Anderson failed to comply with the statutory requirements, the district court properly dismissed his claim. *See Garde v. One 1992 Ford Explorer*, 662 N.W.2d 165, 167 (Minn. App. 2003) (holding that because the claimant did not strictly comply with the service requirements of Minn. Stat. § 169A.63, subd. 8 (2000), he could not maintain his action for judicial determination of a vehicle forfeiture).

## II.

Anderson argues that the district court erred by dismissing his claim with prejudice for failure to properly serve the complaint. Dismissal of a complaint with or without prejudice is within the sound discretion of the district court. *Wessin v. Archives Corp.*, 592 N.W.2d 460, 467 (Minn. 1999).

Here, it is immaterial whether the district court dismissed Anderson’s claim with or without prejudice. Anderson could not refile his claim in district court because he could not cure his procedural defect of failing to file proof of service within 60 days of

notice of the seizure. Given this reality, the district court's dismissal with prejudice did not put him in a worse situation than he already faced. *See Arnold Johnsen Decorators, Inc. v. Holmbeck & Assocs.*, 408 N.W.2d 919, 920 (Minn. App. 1987) ("The primary factor to be considered in dismissing is the prejudicial effect of the order upon the parties to the action." (quotation omitted)), *review denied* (Minn. Sept. 23, 1987). The district court did not abuse its discretion by dismissing Anderson's action with prejudice.

### **III.**

Finally, Anderson sets forth several arguments that the district court acted improperly. We find no merit in these claims. Anderson cites no legal authority to support his assertions and a thorough reading of the transcript shows no improper conduct by the judge. *See State v. Bartylla*, 755 N.W.2d 8, 22–23 (Minn. 2008) (stating that pro se arguments lacking supporting legal authority will not be considered on appeal when no prejudicial error is "obvious on mere inspection" (quotation omitted)).

**Affirmed.**