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**STATE OF MINNESOTA
IN COURT OF APPEALS
A10-1470**

In re the Marriage of:

Maria Marcia Carvalho Hingel Ferreira
n/k/a Maria Marcia Micklewright, petitioner,
Appellant,

vs.

Edevan Ferreira,
Respondent.

**Filed March 8, 2011
Affirmed
Kalitowski, Judge**

Carlton County District Court
File No. 09-FA-05-2296

Timothy A. Little, Law Office of Timothy A. Little, P.A. Duluth, Minnesota (for
appellant)

Larry M. Nord, Mary Katherine Cohen, Orman Nord & Hurd, P.L.L.P., Duluth,
Minnesota (for respondent)

Considered and decided by Kalitowski, Presiding Judge; Worke, Judge; and
Stauber, Judge.

UNPUBLISHED OPINION

KALITOWSKI, Judge

Appellant challenges the district court's judgment entered against appellant enforcing a marital-property division provision in the supplemental dissolution decree. We affirm.

DECISION

This court reviews a district court's order enforcing or implementing a dissolution decree for an abuse of discretion. *Potter v. Potter*, 471 N.W.2d 113, 114 (Minn. App. 1991). Findings of fact will be upheld unless they are clearly erroneous. *Peterson v. Peterson*, 395 N.W.2d 443, 447 (Minn. App. 1986).

In 2006, the district court dissolved the marriage of appellant Maria Marcia Carvalho Hingel Ferreira, now known as Maria Marcia Micklewright, and respondent Edevan Ferreira. The parties stipulated to selling their homestead in Brazil and the district court specified the division of the proceeds. In May or June 2008, appellant and the parties' adult daughter—acting pursuant to a power of attorney granted by respondent—participated in the sale of the homestead. Respondent never received his share of the proceeds.

From October 2008 through May 2010, respondent sought enforcement of the property-division provision. During this time, appellant provided numerous, shifting excuses as to why she had not provided respondent with his share of the proceeds. Appellant also failed to comply with (1) a November 2008 order requiring her to provide detailed and complete information as to the sale transaction and location of the proceeds;

(2) a subpoena for a July 2009 deposition; and (3) a March 2010 order requiring her to update respondent on a weekly basis as to her progress in transferring respondent's share of the proceeds.

In June 2010, the district court issued an order entering judgment against appellant and her daughter for noncompliance with the property-division provision in the supplemental decree. The district court set forth the extensive procedural history of the matter, found that respondent had not received his share of the sale proceeds, and made several findings about the intent and credibility of appellant and the daughter. The district court found that both women had "consistently failed" to follow orders to transfer the proceeds; had offered "differing explanations" for these repeated failures, none of which was "legitimate" or "reasonable"; and had no intent to pay respondent his share of the proceeds. The district court concluded that the actions of both women "were fraudulent attempts to avoid their obligations" under the property-division order and entered judgment against them.

On appeal appellant argues that the daughter, as respondent's agent, received his share of the proceeds at closing, satisfying appellant's obligations under the property-division order. We disagree.

The district court found that appellant has no intent to pay respondent his share of the sale proceeds and that she has taken actions to avoid her property-division obligations under the supplemental decree. The record—which is rife with examples of appellant's failure to comply with court orders and changing explanations as to the location of respondent's share of the proceeds—supports these findings. And there is no evidence to

support appellant's assertion that the daughter received respondent's share of the proceeds at the closing of the sale transaction. To the contrary, appellant's February 2009 affidavit and a receipt she submitted to the district court in March 2009 indicate that appellant deposited both her share and respondent's share of the proceeds in a bank account bearing appellant's name in June 2008.

By failing to transfer respondent's share of the proceeds to him, appellant violated her obligations under the supplemental decree. Even if appellant transferred respondent's share of the proceeds to the daughter at some point, the district court's findings support the conclusion that such a transfer was a fraudulent attempt to keep the proceeds from respondent. *See* Minn. Stat. § 513.44(a)(1) (2010) (providing that a transfer made by a debtor is fraudulent as to a creditor if the debtor made the transfer "with actual intent to hinder, delay, or defraud any creditor of the debtor"); *Greer v. Greer*, 350 N.W.2d 439, 440-41 (Minn. App. 1984) (applying fraudulent-transfer statutes to husband's transfer of real property to adult daughter during pendency of marital-dissolution proceedings and stating that transfers between parent and child "are to be scrutinized" for fraud as to existing creditors). Thus, we conclude that the district court did not abuse its discretion by entering judgment against appellant.

Affirmed.