

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2025 ND 177

Jennifer A. Schultz,

Plaintiff and Appellant

v.

Ryan L. Schultz,

Defendant and Appellee

No. 20250156

Appeal from the District Court of Grand Forks County, Northeast Central
Judicial District, the Honorable Jay D. Knudson, Judge.

AFFIRMED.

Per Curiam.

Patti J. Jensen, East Grand Forks, MN, for plaintiff and appellant.

DeAnn M. Pladson, Fargo, ND, for defendant and appellee.

Schultz v. Schultz
No. 20250156

Per Curiam.

[¶1] Jennifer Schultz appeals from a divorce judgment. She argues the district court's analysis of the best interest factors and resulting decision that the children's best interests were served by awarding joint and equal residential responsibility were clearly erroneous. She contends its analysis and decision were clearly erroneous, not because its findings are a misapplication of law or are not supported by evidence in the record, but rather because on review of the record, we should have a definite and firm conviction a mistake has been made. She also argues that the court's findings of fact on the valuation of certain assets, in particular the equity in the home due to error regarding the debt owed, were clearly erroneous; the court's division of assets and allocation of debts were clearly erroneous; and the court abused its discretion by allowing a witness to testify and admitting exhibits not properly disclosed. Ryan Schultz argues the appeal is frivolous and requests attorney's fees under N.D.R.App.P. 38.

[¶2] After a review of the record, we conclude the district court's findings on the best interest factors and its award of equal residential responsibility are not clearly erroneous, and we are not left with a definite and firm conviction a mistake has been made. We further conclude the court's valuation and distribution of the marital estate are not clearly erroneous, and the court did not abuse its discretion by allowing the witness to testify and admitting exhibits. We summarily affirm under N.D.R.App.P. 35.1(a)(2) and (4). Because Jennifer Schultz's appeal is not frivolous, we deny Ryan Schultz's request for attorney's fees. *See* N.D.R.App.P. 38 ("If the court determines that an appeal is frivolous . . . it may award just damages and single or double costs, including reasonable attorney's fees."); *Ramirez v. Houge*, 2019 ND 245, ¶ 2, 933 N.W.2d 468; *Haugen v. Simmons*, 2015 ND 25, ¶ 1, 861 N.W.2d 172.

[13] Jon J. Jensen, C.J.
Daniel J. Crothers
Lisa Fair McEvers
Jerod E. Tufte
Douglas A. Bahr