

COURT OF APPEALS OF THE
SHAKOPEE MDEWAKANTON SIOUX (DAKOTA) COMMUNITY

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(DAKOTA) COMMUNITY

In Re the Marriage of:
Cyndy Stade-Lieske,

FILED JUN 08 2015 

LYNN K. McDONALD
CLERK OF COURT

Appellee/Petitioner,

App. Court File: 040-14

v.

Joseph Stephen Lieske,

Appellant/Respondent.

Opinion and Order

Before JACOBSON, HOGEN MOLINE, and MASON MOORE, Appellate Judges.

I. Introduction.

This appeal is from a marriage-dissolution action between Joseph Stephen Lieske ("Husband") and Cyndy Stade-Lieske ("Wife"). There are two issues before this Court:

1. Did the Trial Court abuse its discretion by awarding temporary maintenance to Husband for a period of 18 months?

We hold that it did.

2. Did the Trial Court abuse its discretion in its division of the parties' personal property?

We hold that it did not.

last four years of their marriage, Wife paid Husband \$8,000 a month, of which \$2,000 was his "allowance," and the remainder was to pay the parties' joint bills and to "put money away for a rainy day."

Once the parties separated, Husband secured a full-time position as a welder with Natural Light Fabric Structures.¹⁷ He makes \$15 an hour for 40 hours per week and \$22.50 for any overtime after that.¹⁸ The Trial Court found that his gross monthly income is \$2,598.¹⁹ It also found that his average overtime earnings per month are \$487.13,²⁰ making his gross monthly income \$3,085.13 per month.²¹ His employer also pays his medical and dental insurance and has a 401(k) matching program.²²

Currently Wife receives \$64,706 per month in per-capita payments from the Community.²³ Wife is also now self-employed through her business In A Pickle, for which she earns around \$550 a month.²⁴

¹⁷ *Id.* at 164.

¹⁸ *Id.* at 166-67.

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.* The Trial Court found that Husband failed to provide "any evidence on his income tax rate or anticipated taxes." Trial Court Order at 10, § XII(D). Husband contests this on appeal by pointing out that Husband offered pay stubs with itemized tax deductions. Appellant's Br. at 32.

²² Tr. at 168.

²³ Trial Court Order at 4, § X.

²⁴ *Id.*

B. Spousal Maintenance Award

The Trial Court's analysis properly started with Section 6 of the Community's Domestic Relations Code (the "Code").²⁵ The Code dictates that the following factors must be considered when deciding if spousal maintenance is proper upon the dissolution of a marriage: "the length of marriage; contributions, financial and nonfinancial, of both spouses; the standard of living to which each spouse has become accustomed; the financial needs of both spouses; and any other factor the Court finds appropriate."²⁶ While the Trial Court nominally addressed each factor, it did not explain how the factors combined to lead to the conclusions that Husband should (a) receive only temporary maintenance and (b) should receive only \$1,000 per month for 18 months.

C. Property Division

The factors for property division are the same as they are for spousal maintenance.²⁷ The Trial Court started by awarding wife her per-capita payments and the marital home.²⁸ It also ordered a number of items the parties were not contesting, including furniture and household items, Wife's jewelry, the parties' respective collectables, the In a Pickle business,

²⁵ Code, Ch. III, § 6.

²⁶ *Id.*

²⁷ *Id.*

²⁸ Trial Court Order at 10, §§ XIII & XIV.

and the bank accounts.²⁹ The court went into a lengthy discussion about the different vehicles the parties owned and whom they would go to.³⁰ Of the many vehicles the parties purchased throughout the marriage, Husband received two of them.³¹ Husband was awarded a 2012 Harley Davidson Motorcycle and a 2008 Ford F450 Pickup.³² The rest of the vehicles were awarded to Wife because otherwise, the Trial Court held, it would “be an impermissible invasion of Wife’s per-capita payments” since the vehicles were purchased with per-capita payments.³³

Finally, the court awarded Husband all tools currently in his possession as well as “two drill presses, the brake press, the tube bender, the sheer, one drill, one sander, the sand blaster, the frame jig and the small Indian motorcycle.”³⁴ Wife was awarded the remaining tools left in the shop within the marital home.³⁵

III. Analysis

A. Standard of Review

In reviewing a maintenance award, we apply an abuse-of-discretion standard to the trial court’s determination of the amount and duration of an award of spousal

²⁹ *Id.* at 16-18, §§ XVII–XXI.

³⁰ *Id.* at 11-16, § XVI.

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.* at 18, § XXII.

³⁵ *Id.*

maintenance.³⁶ To decide whether a trial court has abused its discretion with respect to a maintenance award, we review its findings of fact to see if they are clearly erroneous, and its conclusions of law *de novo*.³⁷

The same standard applies to a trial court's division of property. A trial court enjoys "broad discretion in evaluating and dividing property in a marital dissolution and will not be overturned except for abuse of discretion. We will affirm the trial court's division of property if it had an acceptable basis in fact and principle even though we might take a different approach." *Antone v. Antone*, 645 N.W.2d 96, 100 (Minn. 2002). The [trial] court abuses its discretion in dividing property if its findings of fact are "against logic and the facts on the record." *Rutten v. Rutten*, 347 N.W.2d 47, 50 (Minn. 1984).³⁸

With these standards in mind, we turn to the Trial Court's maintenance award and property division.

B. The Maintenance Award

The Tribal Court may award spousal maintenance in the absence of antenuptial contracts or settlement stipulations (neither of which were present here). As noted above, in so doing, the Trial Court must consider "length of the marriage; contributions, financial and non-financial, of both spouses; the standard of living to which each spouse has become accustomed; the financial needs of both spouses, and any other factor the Court finds

³⁶ See, e.g., *Maiers v. Maiers*, 775 N.W.2d 666, 668 (Minn. Ct. App. 3009). See also *Welch v. Welch*, 2 Shak. A.C. 11, 17 (Apr. 15, 2009) (citing *Chamberlain v. Chamberlain*, 615 N.W.2d 405, 409 (Minn. Ct. App. 2000) (other citations omitted)).

³⁷ *Id.*

³⁸ *Schisel v. Schisel*, 762 N.W.2d 265, 273 (Minn. Ct. App. 2009).

appropriate.”³⁹ This means the court “does have the power—and the duty—to consider the position that a marriage dissolution will leave the former partners, and to order that a fixed stream of payments be made to protect the more vulnerable party from an inequitable change in his or her life’s circumstances.”⁴⁰

Moreover, we agree with the Minnesota Supreme Court that

[c]ertainly, dissolution of a long-term marriage creates financial problems for both parties and equity does not demand absolute parity in their post-dissolution positions, but the bulk of the economic burden should not be visited on one party without regard to the parties’ standard of living during the marriage and without regard to that party’s now limited ability to complete in the labor market.⁴¹

In this case, we agree with Husband that the Trial Court’s decision visited the bulk of the economic burden of the dissolution on him.

1. Length of Marriage

The first factor we must examine is the length of the marriage.⁴² In this case, the Trial Court found that the parties were married for 18 years, but didn’t explain how that fact weighed in its analysis.⁴³ Generally, the longer the marriage, the greater the chances that

³⁹ Code, Ch. III, § 6. Misconduct by either party is irrelevant to the spousal maintenance award. *Id.*

⁴⁰ *Welch v. Welch*, 5 Shak. T.C. 127,130 (Aug. 18, 2008), *aff’d in part and rev’d in part*, *Welch v. Welch*, 2 Shak. A.C. 11 (Apr. 15, 2009) (plurality opinion).

⁴¹ *Nardini v. Nardini*, 414 N.W.2d 184, 198 (Minn. 1987).

⁴² Code, Ch. III, § 6.

⁴³ Trial Court Order at 8, § XII.A.

maintenance will be awarded, particularly where one spouse is out of the workforce during the entirety of the marriage. Yet in this case, the fact that the parties were married for a relatively long time seemed to play no role in the court's award, which we find to be an abuse of discretion. At a minimum, on remand, the Trial Court must clarify how the length of the parties' marriage affects the amount and term of a maintenance award.

2. Financial and Non-Financial Contributions

Community law requires that we next consider the parties' financial and non-financial contributions to the marriage. In this case, Husband stopped working shortly after he and Wife began dating because Wife "wanted [him] to stay at home and help out,"⁴⁴ and, with Wife's assent, he remained unemployed throughout the marriage. Husband stipulated that he made no financial contributions to the marriage.⁴⁵ Husband did, however, make non-financial contributions by doing yard work, home maintenance, cleaning, and handling the parties' finances.⁴⁶ He also spent time fixing the parties' vehicles and motorcycles.⁴⁷ Finally, while Wife's children were young, he also helped care for them by driving them to

⁴⁴ Tr. at 172

⁴⁵ Tr. at 36.

⁴⁶ See Trial Court Order at 9, § XII (B); Tr. at 172-173.

⁴⁷ Tr. at 177-180.

and from their father's house, driving them to and from school, and helping them with homework.⁴⁸

Almost all of the financial contributions for the marriage came from Wife's per-capita payments, which, at the time of trial, were \$64,706 per month.⁴⁹ Wife also made approximately \$550 per month from her business selling home goods at parties.⁵⁰ The Trial Court made no findings about Wife's nonfinancial contributions to the marriage; she testified that she was the primary caretaker for her children when they were with her, and that she would help "cook and clean here and there, sometimes do laundry."⁵¹

As with the length-of-the-marriage factor, the Court took note of (most of) these facts, but failed to explain how they impacted its decision to award only \$1,000 per month in temporary maintenance for 18 months. Rather, the court devoted most of its findings in this regard on how much Husband *spent* during the marriage, noting "[t]he Court is left with the firm impression that not only did Husband not make any financial contributions to the parties' marriage, he caused the parties' financial assets to be significantly diminished."⁵²

⁴⁸ Tr. at 165. *See also* Trial Court Order at 9, § XII(B).

⁴⁹ Trial Court Order at 4, § X and at 8, § XII(B).

⁵⁰ *Id.* at 4, § X.

⁵¹ Tr. at 41-42.

⁵² Trial Court Order at 9, § XII(B).

The Court blamed Husband for the fact that “the parties have no investment or retirement accounts.”⁵³

In fact, the record is clear that both parties spent a significant amount of Wife’s per-capita payments during the marriage. They did a great deal of traveling, often to Disney World, which was Wife’s preferred destination.⁵⁴ And *both* spouses spent significant amounts on gambling, with Wife spending *hundreds of thousands* of dollars per year on gambling in 2010, 2011, 2012, and 2013.⁵⁵

They also purchased many vehicles, most of which were encumbered by loans.⁵⁶ Several of these were in furtherance of Husband’s drag-racing hobby, in which Wife also took an interest.⁵⁷

We find that the Trial Court abused its discretion by placing no value on Husband’s non-financial contributions to the marriage. We note, as Husband did on appeal, that the Trial Court adopted Wife’s proposed findings of fact and conclusions of law almost verbatim.⁵⁸ We agree with the Minnesota Court of Appeals that “wholesale adoption of one

⁵³ *Id.*

⁵⁴ Tr. at 116-117; 175. Husband testified that “[a]fter a while I tried to get out of the Florida trips. You can only go to Disney so many times.” *Id.* at 175.

⁵⁵ See Petitioner’s Exhibits 4-7,9-10.

⁵⁶ See, e.g., Trial Court Order at 11-16 (listing 15 vehicles owned at dissolution).

⁵⁷ Tr. at 123, 180-184.

⁵⁸ Compare Trial Court Order *with* Petitioner’s Proposed Findings of Fact, Conclusions of Law, Order for Judgment and Judgment and Decree, attached to Appellant’s Brief.

party's findings and conclusions raises the question of whether the trial court independently evaluated each party's testimony and evidence."⁵⁹ While the Trial Court reached its own conclusion about awarding maintenance—it awarded \$1,000 per month for 18 months whereas Wife had proposed no maintenance at all—it is perhaps because the Trial Court adopted the vast majority of Wife's findings as its own that the findings do not match the evidence presented in some instances. For example, we hold that it was clear error to find that it was Husband's fault alone that the parties didn't have investment and retirement funds set aside during their marriage.

Although the Trial Court found more facts pertaining to this component than the last, the analysis is still incomplete. The court didn't indicate which outcome (awarding or not awarding spousal maintenance) the facts support. Certainly, no one can deny that Wife contributed the most financially to help the marriage and that weighs in her favor. But the fact that she also requested Husband quit his job weighs in favor of awarding spousal maintenance. The non-financial-contribution evidence demonstrates that Husband made significant contributions, and the Court should consider those in its analysis on remand.

⁵⁹ *Bliss v. Bliss*, 493 N.W.2d 583, 590 (Minn. Ct. App. 1993) (citing *Bersie v. Zycad Corp.*, 417 N.H.W.2d 288, 292 (Minn. Ct. App. 1987)).

3. Standard of Living

The third factor in the maintenance analysis is “the standard of living to which each spouse has become accustomed.”⁶⁰ During the marriage, the parties maintained a high standard of living—traveling frequently, purchasing numerous vehicles, and living in a house valued at \$850,000. We agree with the Trial Court that the parties overspent during their marriage, as demonstrated by “the fact that the parties have significant debt tied to vehicles without any investment or retirement accounts. The parties have little by way of equity in any of the assets they currently have.”⁶¹

We also agree with the Trial Court’s conclusion that “[t]he standard of living established during the marriage is not maintainable by either party.”⁶² Because divorce requires establishing two households instead of one, it is almost always true that both parties will not be able to maintain the same standard of living once divorced that they enjoyed while married.⁶³ But the fact that parties cannot continue to live at the marital standard of living does not mean that the party with less income must get by with only “the bare necessities of life” while the other spouse maintains a high standard of living.⁶⁴ The

⁶⁰ Code, Ch. III, § 6(a).

⁶¹ Trial Court Order at 10, § XII(C).

⁶² *Id.* at 9, § XII (C).

⁶³ *See, e.g., Nardini*, 414 N.W.2d at 198.

⁶⁴ *See, e.g., Arundel v. Arundel*, 281 N.W.2d 663, 666 (Minn. 1979) (reviewing permanent-maintenance award to 51-year-old stay-at-home spouse leaving a 29-year marriage).

court's job is to determine how to fairly allocate resources, including by awarding maintenance, so both spouses can maintain reasonable standards of living.⁶⁵

We recognized in *Welch* "that the unique character of per capita income is a proper factor for the Trial Court to consider in evaluating a request for spousal maintenance, including the fact that the nonmember seeking spousal maintenance cannot be considered to have assisted in generating it."⁶⁶ Because of that, we find it reasonable that a member spouse may continue to enjoy a higher standard of living post-divorce than the non-member spouse. That does not mean, however, that the standard of living to which the non-member spouse has become accustomed is irrelevant to the maintenance analysis. The fact that a member spouse receives per-capita payments and can afford to support a reasonable middle-class lifestyle for a non-member spouse must be taken into account, and we direct the Trial Court to do so on remand.

4. Financial Needs

The fourth factor we must consider in maintenance awards is the "financial needs of both spouses."⁶⁷ Although the analysis is not explicit, it appears the Trial Court relied on *Welch v. Welch*, which held that "what are commonly considered luxury items cannot be considered to serve to meet 'financial needs,' even if a party has become accustomed to

⁶⁵ *Id.* at 667-668.

⁶⁶ 2 Shak. A.C. at 22.

⁶⁷ Code, Ch. III, §6(a).

them over time,”⁶⁸ to reduce or reject many of the items in Husband’s proposed budget.⁶⁹ In so doing, the Trial Court again adopted Wife’s proposed findings nearly word-for-word, including finding that Wife’s budget—which included luxury items such as \$3,000 per month for vacations and \$325 per month for car washes⁷⁰—was reasonable. We hold that the Trial Court abused its discretion in rubber-stamping all of Wife’s financial needs and rejecting certain of Husband’s financial needs, and remand for findings consistent with this opinion.

a. Husband’s Financial Needs.

As noted above, Husband stopped working at Wife’s suggestion and remained unemployed throughout the entire 18-year marriage. At the time he quit working, he was employed at Mystic Lake Casino doing maintenance.⁷¹ The record reflects that he does not have a high-school diploma, and although he received his GED, he had no other training or education after high school.⁷² Yet despite having little education or training and having been out of the workforce for almost 20 years, Husband sought and found a full-time job as a welder with Natural Light shortly after separating from Wife.⁷³

⁶⁸ Trial Court Order at 9, § XII(C) (citing *Welch*, 2 Shak. A.C. at 13).

⁶⁹ See Trial Court Order at 6-8, §§ XI (J-Y).

⁷⁰ *Id.* at 4, § X (citing Wife’s Exhibit 11).

⁷¹ Tr. at 169.

⁷² *Id.* at 169-70.

⁷³ *Id.* at 163-64.

At the time of trial, Husband was earning \$15 per hour with time and a half for overtime, and received health and dental insurance through his employer.⁷⁴ He had the opportunity to contribute to a 401(k) plan through his employer but had not had the funds to do so.⁷⁵ In fact, because he had been out of the workforce so long, Husband has no retirement savings.⁷⁶ Husband testified that despite having significantly altered his lifestyle since separating from Wife, e.g. he was staying with his stepdaughter and various friends rather than paying rent or house payments and had not gambled or taken a vacation, he was not able to meet his monthly expenses on his income alone.⁷⁷ Despite this uncontroverted testimony, the Trial Court found that "Husband is able to be self-supporting through appropriate employment based on his reasonable expenses."⁷⁸

We disagree. In particular, we find that the following findings by the Trial Court were clearly erroneous:

⁷⁴ *Id.* at 166, 168.

⁷⁵ *Id.* at 168.

⁷⁶ *Id.* at 196.

⁷⁷ *Id.* at 203.

⁷⁸ Trial Court Order at 10, § XII(D).

- The finding Husband didn't need to purchase a (relatively modest) three-bedroom home at a cost of approximately \$1,800 per month, but that he could get by with a one-bedroom apartment that cost only \$700.⁷⁹
- The reduction in Husband's budgeted costs for home maintenance, electricity, heating, and water/sewer/garbage pickup because it found that he should live in an apartment rather than a house.⁸⁰
- The finding that Husband's gross monthly income was \$3,085.00 even though there was uncontroverted testimony that he would not be able to continue working as many overtime hours as he had for the previous few months.⁸¹
- The Trial Court's failure to account for Husband paying any taxes as part of his budget despite Husband having included pay stubs as exhibits that showed taxes being withheld.⁸²

On remand, the Court should consider a reasonable, middle-class budget for Husband—one under which he is not confined to purchase only the "bare necessities." In

⁷⁹ *Id.* at 6, § XI(J). Husband testified that based on his experience looking for a place to live, "700 bucks doesn't really get you anything. You can live in the slums for 700 bucks." Tr. at 197.

⁸⁰ *Id.* at §§ XI (K, M, N, and O).

⁸¹ Tr. at 167, 264.

⁸² See Husband's Exhibit 2.

particular, we hold that Husband does not have to live in a cheap one-bedroom apartment to have reasonable financial needs.

b. Wife's Financial Needs.

As we observed, the Court spent far less time on Wife's financial needs, and did not scrutinize her budget for "luxury" items. While Wife documented significant expenses, she acknowledged that the vehicle expenses (then \$10,501 per month) would decrease because she would sell the vehicles once they were awarded to her.⁸³ Wife also noted that she had no retirement savings. But Wife continues to receive per-capita payments, and although there is no guarantee that the payments will continue forever, particularly at their current level, they will continue so long as the Community has a gaming enterprise.⁸⁴ As noted, at the time of trial, those payments exceeded \$64,000 per month. So although Wife also had no retirement funds, the reality is that unless the Community were to cease its gaming enterprise (a possibility we view as being highly unlikely), she will not need any source of revenue other than per-capita payments.

On remand, the Trial Court should consider that Wife will have reduced vehicle payments from the budget she originally presented, and subject Wife's budget to the same scrutiny as Husband's when deciding what level of maintenance she can afford. We

⁸³ Trial Court Order at 4, § X.

⁸⁴ See Gaming Revenue Allocation Amendments to Business Proceeds Distribution Ordinance, Ordinance No. 10-27-93-002 at § 14.5.

reiterate, however, that the court needn't ensure the parties' standards of living post-dissolution will be equal.

5. Any Other Appropriate Factors

Most of the Trial Court's analysis under this prong fits better under the financial-needs factor. The court noted that Wife was being awarded significant vehicle debt that Husband would not have to pay, and that Husband had the opportunity to make employer-matched contributions to a 401(k) plan while Wife had no guarantee of ongoing per-capita payments. While those findings are technically true, it's of little use to Husband to have an employer 401(k) match when he can't afford to contribute to the plan in the first place. And as we have said, the possibility that Wife's per-capita payments will cease completely is remote.⁸⁵

Most notably in this section of its Order, the Trial Court found that "Wife has no real employment earning capacity, and nowhere near what Husband can earn at the present time with benefits."⁸⁶ This is another instance where adopting Wife's proposed findings has caused clear error. Wife is receiving well over \$700,000 per year in per-capita payments. Even assuming Husband could continue earning overtime on each check, he is only earning

⁸⁵ Further, if Wife's per-capita payments are significantly reduced or eliminated in the future, she can move the court to modify its maintenance award. *See* Code, Ch. III, § 6(b)(2)(i) (permitting modification of maintenance awards based on substantially increased or decreased earnings of a party).

⁸⁶ Trial Court Order at 10, § XII (E).

approximately \$37,000 per year, or about 5% of what Wife earns. The fact that Wife might theoretically have difficulty obtaining a high-paying job because she too has been out of the workforce and has little training should not have affected the Court's maintenance analysis. Rather, the reality that Wife's income is *20 times* higher than Husband's, should have militated in favor of a higher and longer-term maintenance award.

C. Division of Property

To decide what the proper division of property in a marriage-dissolution action should be, the Code requires the Tribal Court to consider the same factors as for maintenance awards.⁸⁷ Fortunately, the parties were able to agree on many items. But for those items that were not subject to the parties' agreement, the Trial Court awarded them all to Wife, finding in each case that items purchased with Wife's per-capita payments were her separate property and could not be awarded to Husband.⁸⁸ This, Husband argues, was an error of law. Husband also contends on appeal that the Trial Court awarded Wife certain of Husband's separate property. We address those arguments in turn.

1. Treatment of Items Purchased with Per-Capita Payments

Throughout the Trial Court's property award, it continually references how it would be an invasion upon Wife's separate property to award Husband property that was

⁸⁷ Code, Ch. III, § 5.

⁸⁸ *See, e.g.*, Trial Court Order at 11-16 (awarding vehicles).

purchased with her per-capita payments.⁸⁹ Although the Trial Court is correct that per-capita payments are the separate property of the member under the Code and *Welch*,⁹⁰ that does not mean that anything purchased with per-capita payments during the marriage is separate property. Just as we held in *Welch* that maintenance could be awarded out of per-capita payments, we hold that property purchased with a member's per-capita payments is marital property and can be awarded to the non-member spouse. Otherwise there would be a "serious injustice" in cases like this one where the parties' nearly sole source of income throughout the marriage was per-capita payments.⁹¹ But while we disagree with the Trial Court's decision to award personal property to Wife because it was purchased with per-capita payments, we nonetheless find that the Trial Court did not abuse its discretion in its division of property.

2. Husband's Separate Property from the Shop

Husband contends that there are multiple items in the garage and shop that were awarded to Wife that are actually his separate property, including various tools that he received as gifts.⁹² A review of the trial transcript indicates, however, that Husband was awarded all the items he identified as being his separate property, with the possible

⁸⁹ *Id.* at 11-16. § XVI.

⁹⁰ 2 Shak. A.C. at 19.

⁹¹ *Id.* (discussing how there would be a serious injustice against non-member spouses if per-capita payments could not be used to satisfy spousal maintenance).

⁹² See Appellant's Br. at 36.

exception of some antique signs and license plates located outside the parties' garage,⁹³ which were not discussed in the Trial Court's Order. Given that Husband's testimony about these items was very vague and that he provided no exhibit listing the items he was requesting, we find that the Trial Court was within its discretion in not awarding these unidentified items to Husband.

3. Remainder of the Property Division was Equitable

We affirm the Trial Court's decision with respect to the remaining marital property. Although the Trial Court could have awarded additional vehicles to Husband even though they were purchased with per-capita payments, we find that the Trial Court had "an acceptable basis in fact and principle"⁹⁴ in awarding both the vehicles and their associated debts to Wife. It would be inequitable to award Husband the vehicles while Wife has to pay for them after the marriage has been dissolved. Her amount of debt also made it fair to award the remaining items the Trial Court awarded to her.

V. Conclusion

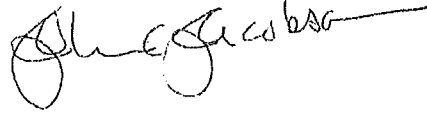
The determination of spousal maintenance, including the amount and the duration, is reversed and remanded for a new decision in light of this opinion. We affirm the Trial Court's division of property.

⁹³ Compare Trial Court Order at 18, § XXII with Tr. at 317-325.

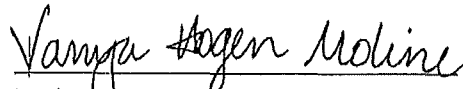
⁹⁴ *Scheisel*, 762 N.W.2d at 273 (internal quotation omitted).

SO ORDERED.

Dated: June 8, 2015



Judge John Jacobson



Judge Vanya Hogen Moline



Terry Mason Moore
Tribal Court Judge, *Pro Tem*