

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A24-0646**

In the Marriage of:

Amy Nicole Solinger, petitioner,
Respondent,

vs.

Jason Mark Solinger,
Appellant.

**Filed May 19, 2025
Affirmed
Smith, Tracy M., Judge**

Dakota County District Court
File No. 19AV-FA-19-1182

Kathleen M. Newman, Barbara J. Seibel, DeWitt LLP, Minneapolis, Minnesota (for respondent)

John R. “Rob” Hill, Larkin Hoffman Daly & Lindgren Ltd., Minneapolis, Minnesota (for appellant)

Considered and decided by Ross, Presiding Judge; Frisch, Chief Judge; and Smith, Tracy M., Judge.

NONPRECEDENTIAL OPINION

SMITH, TRACY M., Judge

Appellant challenges the district court’s order increasing his spousal-maintenance obligation, arguing that the district court failed to make adequate findings of fact, that the

record does not support the increase, and that he was entitled to an evidentiary hearing. We affirm.

FACTS

Appellant Jason Mark Solinger (husband) and respondent Amy Nicole Solinger (wife) married in 1999 and have twin children together. In 2020, when the children were 14 years old, the parties' marriage was dissolved pursuant to a stipulated judgment and decree (J&D), which provided for spousal maintenance and child support.

The J&D established that husband had a base annual gross income of \$260,000 plus a stock bonus that was assumed to be at least \$130,000 gross per year. The J&D also established that wife was not employed at the time of the dissolution but would be able to become partially self-supporting in the future when she obtained appropriate employment. Wife wished to pursue a master's degree in social work, and the J&D imputed no income to her for the three years expected for her education, but it established a rebuttable presumption that wife's earning capacity following completion of her master's degree would be a gross income of \$60,000 per year.

The J&D recognized that "[t]he parties will not be able to maintain the affluent marital standard of living they enjoyed during the latter part of their marriage considering their current incomes and the children's expenses" and that they therefore "have agreed to the levels of spousal maintenance and child support set forth" in the J&D. It further recognized that the parties' future needs were unknown at the time because they were in transition with respect to their housing and other expenses. The J&D provided that husband would pay spousal maintenance to wife of \$7,105 per month for the three years that she

was in graduate school and that, beginning September 1, 2023, spousal maintenance would decrease to \$5,080 per month. The J&D also provided that husband would pay child support of \$2,500 per month to wife until the twins turned 18 years old or otherwise became self-supporting.

In 2022, a cost-of-living adjustment increased husband's spousal-maintenance obligation to \$8,192.07 per month. In July 2023, husband's child-support obligation ended.

In August 2023, a month before husband's spousal-maintenance obligation was set to decrease under the J&D, wife filed a motion to modify spousal maintenance.¹ Three months later, she filed an amended motion seeking to increase the obligation to \$11,866 per month. Wife submitted an affidavit in support of her amended motion. In it, she stated that she had graduated from her master's program in June 2023 and was employed as a school social worker earning a gross annual salary of \$55,230. She also described the parties' "luxurious lifestyle" during the marriage and attached as an exhibit her "Budget Prepared for Divorce in 2019." That budget details her 2019 monthly expenses of \$18,406, which she said was "consistent with [the parties'] marital standard of living." Wife also described her current monthly expenses and attached as an exhibit a budget detailing those expenses, which were \$15,173. In her affidavit, she explained that, not only was she earning less money than anticipated in the J&D, but inflation had increased her expenses and she had additional expenses related to her employment. Wife also stated that, even though she was saving money by living in a smaller home and doing home upkeep herself

¹ Wife also moved for child-support and spousal-maintenance arrearages, but the district court's ruling on this part of her motion is not at issue in this appeal.

rather than hiring services as the parties had during the marriage, she still could not meet her living expenses.

Wife served discovery requests on husband in connection with her motion and followed up on the requests when husband did not respond. Husband never responded. Husband also filed no responsive documents with the district court and submitted no information to the district court about his income. Husband did not ask for an evidentiary hearing. Wife filed a request with the district court asking that it draw an adverse inference with respect to husband's ability to pay spousal maintenance based on his failure to respond to discovery requests.

The district court held a hearing on wife's motion in December 2023. Husband appeared pro se, and the district court permitted husband to participate in the hearing. During the hearing, husband explained to the district court that he did not know that he had been required to respond to wife's pleadings. The district court asked wife questions about her budget—some related to her budget at the time of the dissolution and others related to her current budget. The district court stated that it was “going to comb through” the budget, that on first impression “some of it [was] way, way high,” and that it would “use . . . common sense and case law” to “come to some conclusion” on the budget.

The district court filed an order in April 2024, granting wife's motion to increase spousal maintenance to \$11,866 per month, taking effect retroactively as of September 2023. The district court made the following relevant findings: (1) wife's financial circumstances have changed due to an increase in the costs of goods and services and the end of child support; (2) wife's income after obtaining employment as a social worker is

lower than the parties originally anticipated in the J&D; (3) in view of the marital standard of living, wife's current budget of \$15,173 in monthly expenses is reasonable; and (4) given husband's failure to provide financial information to wife despite her multiple discovery requests, there was an adverse inference that "[husband] has the ability to meet [wife's] needs for spousal maintenance in the amount she is requesting."

Husband appeals.

DECISION

An appellate court reviews a district court's decision regarding whether to modify an existing maintenance award for an abuse of discretion. *Hecker v. Hecker*, 568 N.W.2d 705, 709 (Minn. 1997). A district court abuses its discretion if it misapplies the law, makes clearly erroneous findings of fact, or rules in a manner that is contrary to logic and the facts on the record. *Madden v. Madden*, 923 N.W.2d 688, 696 (Minn. App. 2019). "Findings of fact are clearly erroneous when they are manifestly contrary to the weight of the evidence or not reasonably supported by the evidence as a whole." *Kampf v. Kampf*, 732 N.W.2d 630, 633 (Minn. App. 2007), *rev. denied* (Minn. Aug. 21, 2007) (quotation omitted). A district court's credibility determinations are given deference. *In re Civ. Commitment of Kenney*, 963 N.W.2d 214, 221-23 (Minn. 2021).

A spousal maintenance award may be modified upon a showing by the movant of "substantially increased or decreased gross income of an obligor or obligee" or "substantially increased or decreased need of an obligor or obligee" if either makes the

award prior to modification “unreasonable and unfair.” Minn. Stat. § 518.552, subd. 5b(b) (2024).²

Husband raises two arguments, both related to the needs and income of the obligee, wife. Specifically, he challenges the district court’s findings regarding wife’s current monthly expenses and the findings regarding her earning capacity. Husband also suggests that we “should remand [the matter] to the district court for an evidentiary hearing so that the court may gauge the credibility of Wife’s expenses, apply the rebuttable presumption of Wife’s earning capacity, and thereby the amount she is requesting for an increase in spousal maintenance.”

Wife’s Current Monthly Expenses

Husband argues that the district court abused its discretion by adopting wife’s current budget and finding it reasonable. He contends that (1) certain line items in her budget (for example, expenses for food and restaurants, clothing, gifts, and travel) lack evidentiary support, (2) the current budget is not indicative of the marital standard of living, and (3) the district court adopted wife’s budget without adequate findings or an independent evaluation of the evidence. None of these arguments are persuasive.

First, regarding evidentiary support for the district court’s finding about wife’s budget, a motion to modify spousal maintenance may be determined based on affidavits that address whether the movant has shown a change in the recipient’s need or the payor’s

² During the modification proceeding before the district court—which occurred before this subdivision became effective on August 1, 2024—the relevant language was codified at Minnesota Statutes section 518A.39, subdivision 2(a) (Supp. 2023). *See* 2024 Minn. Laws ch. 101, art. 2, §§ 5, 10, at 871, 873.

ability to pay. *Mathias v. Mathias*, 365 N.W.2d 293, 296-97 (Minn. App. 1985) (quoting Minn. R. Civ. P. 43.05). Here, the district court’s determination that the budget reflects wife’s current expenses is supported by wife’s sworn affidavit and the attached exhibit outlining her current monthly expenses. In addition, the district court implicitly found wife’s current budget credible. While there was discussion during the motion hearing regarding the accuracy or reasonableness of certain claimed expenses, that discussion mostly reflected confusion between wife’s two exhibits—her monthly expenses in 2019 and her current monthly expenses. That confusion was resolved in the district court’s order, which recognized that wife’s current monthly expenses reflect her changed living situation since the dissolution.

Second, the record evidence supports the district court’s determination that wife’s current budget is reasonable in view of the marital standard of living. The J&D recognized that, at the time of the marital dissolution, the parties could not maintain their “affluent marital standard of living,” and it set spousal maintenance accordingly. For her motion to modify, wife submitted an exhibit detailing her monthly expenses of \$18,406 in 2019, which she asserts were consistent with the marital standard of living, and another exhibit showing her current monthly expenses, which had decreased to \$15,173. In light of the J&D’s recognition that the spousal maintenance award did not reflect the parties’ marital standard of living and based on wife’s submissions and the absence of any competing submissions by husband, we discern no abuse of discretion in the district court’s determination that wife’s current budget is reasonable in view of the marital standard of living. *See Madden*, 923 N.W.2d at 696; *see also Peterka v. Peterka*, 675 N.W.2d 353, 359

(Minn. App. 2004) (“The statutory framework for the setting and modification of maintenance awards implicitly acknowledges that a sub-marital-standard-of-living maintenance award may be initially equitable, but it also recognizes that circumstances can change to render such an award unreasonable and unfair and justify imposition on the obligor of all or part of the remainder of the obligor’s duty to support the recipient at the marital standard of living.”).

Third, husband’s contention that the district court adopted wife’s budget without adequate findings or independent evaluation of the evidence is without merit. Husband cites *Dean v. Pelton*, a case in which we reversed and remanded an order granting a child-support modification based on inadequate findings by the district court. 437 N.W.2d 762, 764 (Minn. App. 1989). In the findings at issue in that case, the district court used phrases like “petitioner claims,” “according to petitioner’s application,” and “respondent asserts.” *Id.* Here, the district court found that wife “provided the court with . . . her current budget in the smaller home she purchased after the divorce”; that wife’s affidavit “listed the ways in which she had reduced her standard of living expenses, including doing her own home maintenance, snow removal, and lawn care”; and that wife’s “current budget is reasonable.” It is clear from these findings that the district court did not merely recite wife’s assertions but rather found, at least implicitly, that wife’s reporting of her expenses was credible. Moreover, the district court’s reference to wife’s move to a smaller house and its reference to specific line items in the exhibits reflect that the district court looked closely at wife’s expenses and independently evaluated the evidence.

Wife's Earning Capacity

Husband also challenges the district court's determination regarding wife's earning capacity, arguing that the district court made no findings to support the conclusion that wife had rebutted the J&D's presumption that her earning capacity after obtaining her master's degree would be \$60,000. In its order modifying spousal maintenance, the district court found that wife completed her master's degree in 2023, that several months thereafter she "obtained employment as a school social worker," and that her "annual gross salary [was] \$55,230, which is less than the \$60,000 anticipated in the [J&D]." Husband is correct that the district court did not expressly state that wife had rebutted the presumption that her earning capacity would be \$60,000, but it is evident, both from the express findings just mentioned and in light of the order as a whole, that the district court implicitly found that wife had rebutted the presumption in the J&D that she could earn \$60,000 as a social worker in 2023. And this implicit finding is supported by the record. *See Kampf*, 732 N.W.2d at 633.

Evidentiary Hearing

Husband asks that we remand this matter for an evidentiary hearing. But husband points to no authority that suggests that the district court erred by not ordering an evidentiary hearing on wife's motion when no evidentiary hearing was requested. In fact, under the rules of practice applicable to family-court matters, a district court may deem a motion unopposed and file an order without *any* hearing if a party files no responsive documents to the motion. Minn. R. Gen. Prac. 303.03(b). Here, even though husband filed no responsive documents, the district court held a hearing, heard husband's arguments, and

made factual findings that are adequate and supported by the record. There is no basis to remand this matter for an evidentiary hearing.

Affirmed.