

SUPREME COURT OF NORTH DAKOTA

Kantola v. Kantola

Kantola, 2026 ND 57 (N.D. 2026) · No. No. 20250407 · Decided February 26, 2026

SUMMARY

The North Dakota Supreme Court summarily affirmed a divorce judgment distributing the parties’ marital property. The Court rejected the appellant’s arguments concerning the Ruff-Fischer factors, partition, and unjust enrichment, concluding that the appeal was frivolous. The Court awarded the appellee double costs and \$1,000 in attorney’s fees.

CASE DETAILS

COURT	Supreme Court of North Dakota
WRITING FOR THE COURT	Per Curiam; Lisa Fair McEvers, C.J.; Daniel J. Crothers; Jerod E. Tufte; Jon J. Jensen; Douglas A. Bahr
JURISDICTION	Supreme Court of North Dakota
DECIDED	February 26, 2026
DOCKET	No. 20250407
DISPOSITION	affirmed
PROCEDURAL POSTURE	Robert Kantola appealed from a divorce judgment distributing the parties' marital property. Sandra Kantola requested attorney's fees and costs for a frivolous appeal.
STANDARD OF REVIEW	The court applied the clearly erroneous standard to the challenge to the marital-property division and summarily affirmed under N.D.R.App.P. 35.1(a)(1).
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Robert Douglas Kantola v. Sandra Rae Kantola

TOPICS

- divorce
- equitable distribution
- appellate procedure
- remedies
- family law procedure

PRACTICE AREAS

- family law
- appellate procedure
- remedies

QUESTIONS PRESENTED

1. Whether the district court failed to analyze the Ruff-Fischer factors when dividing the marital estate.
2. Whether partition and unjust-enrichment theories governed or supported the property division in this divorce action.
3. Whether the appeal was frivolous and warranted an award of double costs and attorney's fees under N.D.R.App.P. 38.
4. Whether the judgment should be summarily affirmed under N.D.R.App.P. 35.1(a)(1).

HOLDINGS

1. The district court considered every relevant Ruff-Fischer factor in dividing the marital estate; therefore, the appellant's contrary assertion was unsupported.
2. Reliance on the partition statute and the doctrine of unjust enrichment was misplaced because the case was a divorce action governed by N.D.C.C. ch. 14-05.
3. The appeal was frivolous, and the appellee was entitled to double costs and \$1,000 in attorney's fees under N.D.R.App.P. 38.
4. The district court's judgment was summarily affirmed under N.D.R.App.P. 35.1(a)(1).

KEY QUOTATIONS

“Any reliance on these theories is misplaced because this is a divorce action governed by N.D.C.C. ch. 14-05.” (¶ 2)

“When a party requests more than a token amount of attorney’s fees on appeal, the request should be accompanied by an affidavit or statement documenting the work performed.” (¶ 3)

“We summarily affirm the judgment under N.D.R.App.P. 35.1(a)(1).” (¶ 4)

FACTUAL BACKGROUND

The parties were involved in a divorce action in which the district court divided their marital property. Robert Kantola contended that the district court failed to consider the Ruff-Fischer factors and improperly relied on partition and unjust-enrichment theories. The district court's order showed that it considered every relevant factor, and the Supreme Court concluded that the partition and unjust-enrichment theories were misplaced in a divorce action governed by N.D.C.C. ch. 14-05.

PROCEDURAL HISTORY

The District Court of Cass County, East Central Judicial District, entered a divorce judgment distributing the parties' marital property. Robert Kantola appealed, arguing that the district court failed to analyze the Ruff-Fischer factors and clearly erred by applying property-partition and unjust-enrichment theories. The Supreme Court of North Dakota summarily affirmed the judgment and awarded the appellee double costs and \$1,000 in attorney's fees.

DISPOSITION

affirmed

CASES CITED

- Berger v. Repnow, 2025 ND 25, ¶ 5, 16 N.W.3d 452
- Buchholz v. Buchholz, 2022 ND 203, ¶ 43, 982 N.W.2d 275
- United Bank of Bismarck v. Young, 401 N.W.2d 517, 519 n.1 (N.D. 1987)
- In re Est. of Nelson, 2018 ND 118, ¶¶ 13-14, 910 N.W.2d 856
- United Valley Bank v. Lamb, 2003 ND 149, ¶ 5, 669 N.W.2d 117

OPINION

Kantola v. Kantola 2026 ND 57

PER CURIAM.

IN THE SUPREME COURT

STATE OF NORTH DAKOTA

2026 ND 57 Sandra Rae Kantola, Plaintiff and Appellee v. Robert Douglas Kantola, Defendant and Appellant No. 20250407 Appeal from the District Court of Cass County, East Central Judicial District, the Honorable Nicholas W. Chase, Judge. AFFIRMED. Per Curiam. Shannon E. Parvey, West Fargo, N.D., for plaintiff and appellee; submitted on brief. Robert D. Kantola, self-represented, West Fargo, N.D., defendant and appellant; submitted on brief. Kantola v. Kantola No. 20250407 Per Curiam. [¶1] Robert Kantola appeals from a divorce judgment distributing the parties' marital property. Sandra Kantola requests attorney's fees and costs for a frivolous appeal under N.D.R.App.P. 38. [¶2] Robert Kantola argues that the district court did not analyze the Ruff-Fischer factors when dividing the marital estate. The court's order contradicts his assertion and shows that the court considered every factor. He also argues under the partition statute, N.D.C.C. § 32-16-01, and the doctrine of unjust enrichment that the court clearly erred in the property division. Any reliance on these theories is misplaced because this is a divorce action governed by N.D.C.C. ch. 14-05. See Berger v. Repnow, 2025 ND 25, ¶ 5, 16 N.W.3d 452. [¶3] We conclude that this appeal is frivolous. Buchholz v. Buchholz, 2022 ND 203, ¶ 43, 982 N.W.2d 275. We award Sandra double costs and attorney's fees in the amount of \$1,000. Sandra did not submit a statement of fees. When a party requests more than a token amount of attorney's fees on appeal, the request should be accompanied by an affidavit or statement documenting the work performed. See United Bank of Bismarck v. Young, 401 N.W.2d 517, 519 n.1 (N.D. 1987); In re Est. of Nelson, 2018 ND 118, ¶ 13, 910 N.W.2d 856. When no such documentation accompanies the request, we may award a fixed amount of attorney's fees at our discretion. See In re Est. of Nelson, 2018 ND 118, ¶ 14 (awarding \$500 absent supporting documentation); see also United Valley Bank v. Lamb, 2003 ND 149, ¶ 5, 669 N.W.2d 117 (awarding \$1,000 toward the bank's attorney's fees without supporting documentation). [¶4] We summarily affirm the judgment under

N.D.R.App.P. 35.1(a)(1). We award Sandra Kantola double costs and attorney's fees in the amount of \$1,000. ¶5] Lisa Fair McEvers, C.J. Daniel J. Crothers Jerod E. Tufte Jon J. Jensen Douglas A. Bahr 1

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