

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.

OPINION

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