

**COURT OF APPEALS
DECISION
DATED AND FILED**

September 26, 2002

Cornelia G. Clark
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

**Appeal No. 02-0219
STATE OF WISCONSIN**

Cir. Ct. No. 01-FA-227

**IN COURT OF APPEALS
DISTRICT IV**

IN RE THE MARRIAGE OF:

WILLIE E. GARRETTE,

PETITIONER-RESPONDENT,

v.

MARY E. BUIE-GARRETTE,

RESPONDENT-APPELLANT.

APPEAL from a judgment of the circuit court for Dane County:
MICHAEL N. NOWAKOSKI, Judge. *Affirmed.*

Before Dykman, Roggensack and Deininger, JJ.

¶1 PER CURIAM. Mary Buie-Garrette, pro se, appeals a judgment of divorce. The issues are: (1) whether the trial court erred in denying Mary maintenance; and (2) whether the trial court erred in its property division. We

conclude that the trial court properly exercised its discretion on both counts. We affirm.

¶2 Mary Buie-Garrette and Willie Garrette were married in 1993. At the time of divorce, Mary was 45 years old and Willie was 49 years old. Willie was employed as an investigator for the State of Wisconsin and earned \$4,579 per month. Mary was not employed and had no income. The trial court denied Mary's request for maintenance but awarded her a net of approximately \$26,500 in the property division. The trial court awarded Willie property and significant debts, leaving him obligated to pay approximately \$7,700 above and beyond the value of the property he received.

¶3 Mary first argues that the trial court erred in denying her maintenance. There are two primary objectives of a maintenance award: to support the recipient spouse in accordance with the needs and earning capacities of the parties and to ensure a fair and equitable financial arrangement between the parties. *King v. King*, 224 Wis. 2d 235, 249, 590 N.W.2d 480 (1999). With these goals in mind, the trial court must apply the factors listed in WIS. STAT. § 767.26 (1999-2000)¹ to the facts of the case to determine whether maintenance is appropriate. *Id.* A maintenance award is committed to the trial court's discretion. *Id.* at 247.

¶4 The trial court determined that maintenance was not appropriate because the marriage was of moderate duration, neither party had contributed to

¹ All references to the Wisconsin Statutes are to the 1999-2000 version unless otherwise noted.

the other's education, training, or increased earning power, and both parties were in good health and young enough that they were capable of maintaining or obtaining employment that would fully support them. Although Mary contended that she had been hospitalized and was unable to find employment, the trial court found that her claims were "undocumented and totally unproven" and that she had "previously demonstrated the ability to obtain employment," but had "made virtually no efforts since the parties separated to secure gainful employment, operating on the assumption that Willie was going to support her." Because the trial court considered appropriate statutory factors and applied them to the facts of the case to reach "a reasoned and reasonable determination," there was no misuse of discretion. *See id.* at 248 (citation omitted).

¶5 Mary also appears to challenge the property division, though her arguments in this regard are not easy to discern. As noted above, the trial court awarded Mary property and debts with a net value of approximately \$26,500 while requiring Willie to pay debts totaling some \$7,700 more than the value of the property he received. When the debts and assets are considered together, this means that Mary received approximately \$34,200 more than Willie did in the property division. The trial court explained its reasons for departing from an equally shared division of property and debts, noting that Willie had offered to pay the debts and Mary was not employed. To the extent Mary claims this division was unfair, we reject her claim.

By the Court.—Judgment affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)5.

