

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**November 5, 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. 02-0270**  
**STATE OF WISCONSIN**

**Cir. Ct. No. 00-FA-25**

**IN COURT OF APPEALS  
DISTRICT III**

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**IN RE THE MARRIAGE OF:**

**CHARLES D. KRAMER,**

**JOINT-PETITIONER-RESPONDENT,**

**V.**

**PAULA L. KRAMER,**

**JOINT-PETITIONER-APPELLANT.**

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APPEAL from a judgment of the circuit court for Vilas County:  
JAMES B. MOHR, Judge. *Affirmed.*

Before Cane, C.J., Hoover, P.J., and Peterson, J.

¶1 PER CURIAM. Paula Kramer appeals those parts of a divorce judgment dividing the marital property and requiring her to sign a joint tax return for 1999. Because the parties were married for only nine months, the trial court

attempted to restore the parties' premarital economic circumstances. Paula argues that: (1) the court should have awarded her a portion of Charles' business; (2) she should not be required to sign a joint tax return because Charles understated his income and the joint return will interfere with Paula's daughter's educational financial aid; and (3) the court improperly exercised its discretion when it denied Paula's request for an adjournment to review certain exhibits that she received shortly before trial. We reject these arguments and affirm the judgment.

¶2 All of Paula's issues involve challenges to the trial court's discretion. This court must affirm discretionary decisions if they are reasonable. *See Vier v. Vier*, 62 Wis. 2d 636, 639-40, 215 N.W.2d 432 (1974).

¶3 Because of the short duration of this marriage, the trial court properly exercised its discretion when it attempted to restore the parties to their premarital economic circumstances. *See* WIS. STAT. § 767.255(3)(a).<sup>1</sup> To accomplish that goal, the trial court awarded Charles the business that he brought to the marriage. Paula came to the marriage with a residence that she was awarded in a previous divorce. The residence had a substantial mortgage and \$30,000 equity. Paula did not have the means to pay the mortgage or refinance. Before the marriage, she made Charles a co-tenant. He refinanced and assumed the mortgage and tax payments. The trial court awarded Paula the first \$30,000 profit from the sale of the residence and equally divided any additional profit from the sale. It estimated that Paula would receive approximately \$70,000 from the sale.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 1999-2000 version.

¶4 The trial court properly exercised its discretion when it refused to award Paula any part of Charles' business. Although a portion of the refinanced mortgage was put into Charles' business, his combined business and personal checking account was the source of mortgage and tax payments. The trial court's finding that Charles' business did not profit from the refinancing is not clearly erroneous. *See* WIS. STAT. § 805.17(2). Because Charles made the mortgage payments, secured the refinancing and had an ownership interest in the property before the marriage, Paula's anticipated \$40,000 (\$70,000 - \$30,000) increase in net worth during the nine-month marriage would adequately compensate her for any contributions she made toward Charles' business.

¶5 The trial court also properly exercised its discretion when it ordered Paula to sign a joint tax return for 1999. The joint return results in approximately \$5,400 savings to the parties. Paula's contentions that Charles understated his income and that the joint tax return would compromise her daughter's financial aid are based on speculation. The record contains no evidence supporting these allegations. Paula argues that the court should have found another remedy rather than requiring her to sign the tax return. When Charles' counsel offered to have Charles assume full responsibility for taxes in return for additional property, Paula responded that she "can't do that." Paula cannot fault the trial court for failing to create an alternative remedy that she rejected. *See Siegel v. Leer, Inc.*, 156 Wis. 2d 621, 628, 457 N.W.2d 533 (Ct. App. 1990).

¶6 Paula has not provided this court with an adequate record to address whether the trial court erroneously exercised its discretion when it denied her motion for adjournment. She has not provided a transcript of the hearing at which that decision was made. We must assume that the missing transcript would sustain

the trial court's discretionary decision. *See Duhamé v. Duhamé*, 154 Wis. 2d 258, 269, 453 N.W.2d 149 (Ct. App. 1989).

¶7 Finally, Charles requests sanctions against Paula for various defects in her brief. Most of the defects, such as factual errors or an inappropriate standard of review, are matters about which reasonable litigants could differ. We conclude that the briefing errors do not merit awarding Charles attorney fees for this appeal. The clerk will impose the ordinary costs allowed under WIS. STAT. RULE 809.25.

*By the Court.*—Judgment affirmed.

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

