



OFFICE OF THE CLERK  
**WISCONSIN COURT OF APPEALS**

110 EAST MAIN STREET, SUITE 215  
P.O. BOX 1688  
MADISON, WISCONSIN 53701-1688  
Telephone (608) 266-1880  
TTY: (800) 947-3529  
Facsimile (608) 267-0640  
Web Site: [www.wicourts.gov](http://www.wicourts.gov)

**DISTRICT IV**

November 9, 2023

To:

Hon. Troy D. Cross  
Circuit Court Judge  
Electronic Notice

Julie Kayartz  
Clerk of Circuit Court  
Columbia County Courthouse  
Electronic Notice

Michael D. Greiber  
Electronic Notice

Eric Johnson  
Electronic Notice

Angela Campbell  
Electronic Notice

You are hereby notified that the Court has entered the following opinion and order:

---

2022AP1024

In re the estate of Marion R. Roesler:  
Angela Campbell v. Ricky Roesler (L.C. # 2019PR84)

Before Kloppenburg, P.J., Blanchard, and Graham, JJ.

**Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).**

Angela Campbell, pro se, appeals a circuit court order providing that respondent Ricky Roesler (“Roesler”) owes the estate of their mother, Marion Roesler, a total debt in the amount of \$375,000. Campbell maintains that the amount should be higher. She argues that the court erred by, according to Campbell, basing its order solely on a settlement agreement between Roesler and the estate’s personal representative instead of making its own findings of fact and conclusions of

law. Based on our review of the briefs and the record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21(1) (2021-22).<sup>1</sup> We affirm.

These proceedings arise from the probate of Marion’s estate. The circuit court held an evidentiary hearing to address the total amount of debt that Roesler owes to Marion’s estate for the repayment of loans and other funds that Marion provided to Roesler during her lifetime. Roesler testified that Marion verbally forgave any loans prior to her death. The estate’s personal representative, Randall Lueders, testified that Roesler owes the estate over \$1.7 million, consisting of \$880,000 in loans and other funds and approximately \$846,000 in interest.

After the evidentiary hearing, but before the circuit court made any decision on the amount of debt Roesler owes to Marion’s estate, Roesler and Lueders entered into a settlement in which they agreed that Roesler owes the estate \$375,000. Over Campbell’s objection, the court determined that the debt totals \$375,000, the same amount arrived at in the settlement. Campbell appeals.

Before we discuss the merits of Campbell’s appeal, we address two motions that she filed in this court after appellate briefing was complete. The motions relate to Lueders’ status as an intervening party in this appeal. In the first motion, Campbell moves to disqualify Lueders as an intervening party in the appeal. In the second motion, Campbell moves for leave to file a “sur-reply objection and rebuttal” to a letter that Lueders filed that responded to arguments in Campbell’s reply brief. For the reasons we now explain, we deny both motions.

---

<sup>1</sup> All references to the Wisconsin Statutes are to the 2021-22 version unless otherwise noted.

We begin with additional background to provide context for Campbell's motions. Initially, Campbell and Roesler were the sole parties to this appeal. Prior to the commencement of briefing, Lueders moved to intervene in the appeal as the personal representative of Marion's estate. Campbell did not object. Based on Lueders' apparent interest in the appeal and the lack of any objection, we granted his motion to intervene.

Lueders filed a respondent's brief taking the position that the circuit court's order should be affirmed. Roesler then filed a letter stating that he joined in Lueders' brief. In her reply brief, Campbell asserted that Lueders was "taking the position of representing" Roesler in violation of his duties as personal representative. She also asserted that Lueders' brief should be stricken. Lueders filed a letter responding to these and other assertions in Campbell's reply brief relating to his duties as personal representative. Campbell then filed her two motions. Lueders filed responses opposing each motion.

With this background in mind, we turn to Campbell's first motion, which is to disqualify Lueders as an intervening respondent in this appeal. As grounds, she points out that Lueders and Roesler have taken the same position on appeal. She argues that their alignment shows that Lueders is representing Roesler instead of Marion's estate and that this violates his duties as personal representative. We disagree and deny Campbell's motion to disqualify Lueders. The motion, in effect, seeks reconsideration of our prior order allowing Lueders to intervene, but Campbell has provided no persuasive reason for us to reconsider that order. It is not surprising, much less improper for any reason that we can discern, for Lueders and Roesler to take the same position on appeal and seek affirmance of the circuit court's order, given that the order is consistent with their settlement agreement. The fact that Lueders filed a brief and Roesler joined in the brief

instead of filing his own brief does not establish that Lueders is representing Roesler or that he has violated his duties as personal representative.

We turn to Campbell's second motion, which is for leave to file a sur-reply to the letter that Lueders filed in response to her reply brief. As noted above, Lueders' letter responded to assertions in Campbell's reply brief relating to his duties as personal representative. We deny Campbell's motion for leave to file a sur-reply because Campbell already had the opportunity to address the letter—and did address it—when she filed the motion to disqualify Lueders. The motion to disqualify expressly references the letter and includes arguments responding to its content.

Turning to the merits of Campbell's appeal, she argues that the circuit court erred by determining that Roesler owes Marion's estate \$375,000, and not more, allegedly based solely on the settlement agreement between Roesler and Lueders instead of making its own findings of fact and conclusions of law. We disagree.

The record shows that the circuit court did not simply adopt the amount stated in the settlement agreement. Rather, the court made independent findings that were based on the evidentiary hearing the court held, documentary evidence the court received, and briefs the parties provided before Roesler and Lueders agreed to the \$375,000 figure. Based on its findings, the court concluded that the \$375,000 figure is an "appropriate" amount of debt to assign to Roesler. Further, at the final relevant hearing, the court expressly clarified that it was relying on its own findings. The court explained: "I guess maybe I wasn't expressly clear enough [at the previous hearing], that I made those findings." It also accurately pointed out that the settlement agreement between Roesler and Lueders "really wasn't a stipulation" to resolve the debt amount because Ms. Campbell had never agreed to that amount. The court's remarks reflect that the court made

its own findings and conclusions and did not simply adopt the amount reflected in the settlement agreement.

Campbell appears to make an alternative argument that, even if the circuit court made its own independent findings, the \$375,000 figure is contrary to the documentary evidence and not otherwise supported by the record. We disagree. The record shows that the figure is equal to the total of the following amounts reflected in the documentary evidence: the principal of a \$200,000 loan that Marion made to Roesler in 2003, \$160,000 in checks that Marion wrote to Roesler in 2008 and 2009 as additional loans, and a small amount of interest.

In addition, the \$375,000 figure is reasonable based on other evidence that the circuit court referenced in its factual findings. The court found that Roesler's testimony that Marion had forgiven his loans was largely credible, but that there were some gaps in his memory. The court also found that Roesler and Marion had engaged in poor record-keeping and that they both shared responsibility for that. The court found that the evidence overall produced no "clear answer." The court noted that Roesler was the only witness to testify at the evidentiary hearing, thus leaving the court with no other testimony to weigh. Based on the available evidence, the court reasonably concluded that Roesler should be assigned an amount of debt that is significantly greater than zero but substantially less than the \$1.7 million amount initially claimed, and the court reasonably determined that the \$375,000 figure is a fair approximation of the debt. *See Management Computer Servs., Inc. v. Hawkins, Ash, Baptie & Co.*, 206 Wis. 2d 158, 189, 557 N.W.2d 67 (1996) (explaining that damages need not be proven with "mathematical precision" and that evidence of damages is sufficient if it allows the fact finder to "make a fair and reasonable approximation").

Campbell argues that Roesler’s testimony contained numerous inconsistencies and should not be credited. She also argues that, if the circuit court accepted his testimony in full, then the court could not find that he owes Marion’s estate \$375,000 because Roesler’s position was that he owes the estate nothing. These and other arguments relating to Roesler’s credibility are not persuasive on appeal. Credibility was for the circuit court to decide, and the court was free to resolve inconsistencies in Roesler’s testimony as the court saw fit and to credit whatever percentage of his testimony appeared reliable to the court. *See State v. Anson*, 2004 WI App 155, ¶24, 275 Wis. 2d 832, 686 N.W.2d 712 (“[T]he trial court has no obligation to believe everything a witness says, and when the record reveals inconsistencies within a witness’s testimony or between one witness and another, the court as fact finder determines the weight and credibility accorded to the testimony.”), *aff’d*, 2005 WI 96, 282 Wis. 2d 629, 698 N.W.2d 776.

Campbell attempts to advance additional arguments, but we do not discuss those arguments because we conclude that they are insufficiently developed. *See State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992) (explaining that we need not address issues that are inadequately briefed). We acknowledge that Campbell is not represented by counsel (or at least not openly and formally represented by counsel), and for that reason we have made some allowances for certain deficiencies in her briefing.<sup>2</sup> However, “[o]ur obligation does not extend to creating an issue and making an argument for the litigant.” *State ex rel. Harris v. Smith*, 220 Wis. 2d 158, 165, 582 N.W.2d 131 (Ct. App. 1998). “We cannot serve as both advocate and judge.” *Id.*

---

<sup>2</sup> Campbell’s appellant’s brief and reply brief include a notation stating that they were prepared with the assistance of an attorney, but no attorney has appeared for Campbell in this appeal.

Therefore,

IT IS ORDERED that the motion to disqualify Randall Lueders as intervening respondent is denied.

IT IS FURTHER ORDERED that the motion to file a sur-reply is denied.

IT IS FURTHER ORDERED that the circuit court's judgment is summarily affirmed pursuant to WIS. STAT. RULE 809.21(1).

IT IS FURTHER ORDERED that this summary disposition order will not be published.

---

*Samuel A. Christensen*  
*Clerk of Court of Appeals*