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**DISTRICT II**

December 18, 2019

To:

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

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2018AP2053

In re the marriage of: Tami Ann Sfasciotti v. Robert F. Sfasciotti  
(L.C. #2016FA628)

Before Neubauer, C.J., Reilly, P.J., and Gundrum, J.

**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).**

In this divorce case, Robert F. Sfasciotti appeals from an order pertaining to property division. He contends that the circuit court erred in requiring him to pay \$43,875 to his former wife, Tami Ann Sfasciotti. Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2017-18).<sup>1</sup> We affirm.

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<sup>1</sup> All references to the Wisconsin Statutes are to the 2017-18 version.

Robert and Tami were married in 1997. Shortly before their marriage, they executed a marital property agreement, which classified a house in Racine as Robert's individual property. The parties resided at the house throughout their marriage.

In 2003, Robert and Tami signed a note and mortgage on the house in question and retitled it in both of their names as survivorship marital property. This action had the effect of transmuting the house from individual property to marital property.

When the parties divorced in 2018, Tami sought an equalization payment of \$43,875 for the house. That figure represented half of the value of the note and mortgage taken on the house in 2003 (\$87,750). The circuit court agreed that the request was reasonable and so ordered it. This appeal follows.

The division of property rests within the sound discretion of the circuit court. *LeMere v. LeMere*, 2003 WI 67, ¶13, 262 Wis. 2d 426, 663 N.W.2d 789. We will sustain a discretionary decision if the court examined the relevant facts, applied a proper standard of law, and using a demonstrated rational process, reached a reasonable conclusion. *Liddle v. Liddle*, 140 Wis. 2d 132, 136, 410 N.W.2d 196 (Ct. App. 1987). We generally look for reasons to sustain the court's discretionary decision. See *Steiner v. Steiner*, 2004 WI App 169, ¶18, 276 Wis. 2d 290, 687 N.W.2d 740.

Here, the circuit court arrived at its decision after carefully considering the relevant factors in the property division statute, WIS. STAT. § 767.61. These included the length of the marriage, the property brought to the marriage, the individual assets of the parties, their contributions to the marriage, their age/health, etc. The court acknowledged that Robert paid a greater portion of the parties' expenses, had fewer individual assets than Tami, and was in poorer

health. However, it did not believe that he should receive the entire value of the marital residence as a result. After all, Tami paid house-related expenses too (e.g., taxes, utilities, and insurance). She also performed work around the house and was primary caretaker for the parties' minor child. Accordingly, the court concluded that her request for half the equity relating to the 2003 note and mortgage was reasonable under the circumstances.

Reviewing the circuit court's decision, we are satisfied that it properly exercised its discretion in requiring Robert to pay \$43,875 to Tami. Therefore, we affirm.<sup>2</sup>

Upon the foregoing reasons,

IT IS ORDERED that the order of the circuit court is summarily affirmed, pursuant to WIS. STAT. RULE 809.21.

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

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*Sheila T. Reiff*  
*Clerk of Court of Appeals*

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<sup>2</sup> To the extent we have not addressed an argument raised by Robert on appeal, the argument is deemed rejected. See *State v. Waste Mgmt. of Wis., Inc.*, 81 Wis. 2d 555, 564, 261 N.W.2d 147 (1978).