COURT OF APPEALS
DECISION
DATED AND RELEASED

September 10, 1997

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

NOTICE

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

No. 96-2988

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT II

IN RE THE MARRIAGE OF:

BARBARA ANN VILLWOCK,

PETITIONER-RESPONDENT,

V.

ROBERT M. VILLWOCK,

RESPONDENT-APPELLANT.

APPEAL from a judgment of the circuit court for Washington County: RICHARD T. BECKER, Judge. *Affirmed.*

Before Snyder, P.J., Nettesheim and Anderson, JJ.

PER CURIAM. Robert M. Villwock appeals pro se from a judgment of divorce from Barbara Ann Villwock. He argues that the circuit court erroneously exercised its discretion in awarding maintenance, in dividing property and by requiring him to contribute $1000 towards Barbara's attorney's fees. We

conclude that the circuit court properly exercised its discretion and affirm the judgment.

The parties were married for more than twenty-eight years. At the time of the divorce, both parties were employed. Robert was ordered to pay $300 per month maintenance for three years. Robert claims that the circuit court was merely equalizing the parties' earnings and that such an equalization is not "self-evidently fair." ***Olson v. Olson***, 186 Wis.2d 287, 293, 520 N.W.2d 284, 286 (Ct. App. 1994).

The maintenance award here is easily distinguishable from the mere equalization of incomes which was struck down in ***Olson***. This was a long-term marriage and an equalization of incomes would have been an appropriate starting point for the circuit court. *See* ***id.*** Although the end result was that each party had a nearly equal disposable income, equalization was not the circuit court's starting point. Here the circuit court specifically addressed the statutory factors enumerated in § 767.26, STATS. As Robert explains, the circuit court recognized that the factors were fairly equal for each party. The court found that Robert and Barbara are of comparable age, comparable good health, have comparable educational backgrounds, and are employed to their maximum earning capacities. The court also indicated that it had considered the impact of the property division and taxes on the maintenance issue. The court found that Barbara had "some need for some help."[1] The record reflects that the circuit court did not proceed blindly on a course to equalize the parties' income. In a reasoned approach, the circuit

[1] The circuit court stated that Barbara is "as self-supporting as she is ever going to be." That comment was made in conjunction with the finding that Barbara had some need for help. Implicit is the determination that Barbara needed help to maintain a standard of living reasonably comparable to that enjoyed during the marriage.

court implicitly determined that a near equalization of the parties' disposable incomes produces a fair result.[2]

Robert next argues that the division of personal property is not supported by the evidence at trial. His argument is abbreviated and it appears to be that Barbara is estopped from assigning values to the personal property because she stated at the temporary hearing that she wanted all of the household furnishings and Robert could have all of the major appliances. Even if Robert correctly characterizes Barbara's position at the temporary hearing,[3] her position did not bind the circuit court. The parties were unable to agree to division of personal property. Therefore, it was appropriate for the circuit court to assign value to items of personal property and order remaining household items to be sold with the proceeds split equally.

Robert cites to ***Liddle v. Liddle***, 140 Wis.2d 132, 136, 410 N.W.2d 196, 198 (Ct. App. 1987), for the proposition that the circuit court should determine the fair market value of an asset as of the date of the divorce. This is what the circuit court did in accepting a professional appraisal of the personal property. The values assigned are not clearly erroneous. *See* ***id.*** (the valuation of a particular marital asset is a finding of fact which we will not upset unless clearly erroneous).

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[2] Robert mentions the circuit court's comment that maintenance for three years "will be past the time that the youngest child is out of college." He argues that maintenance cannot be supported by this factor alone. He does not develop the argument. We need not consider arguments broadly stated but not specifically argued. *See* ***Fritz v. McGrath***, 146 Wis.2d 681, 686, 431 N.W.2d 751, 753 (Ct. App. 1988). We do not read the circuit court's decision to have based the amount or duration of maintenance on consideration of the youngest child's college attendance.

[3] Barbara testified at the temporary hearing that all of the furniture in the house was given to the parties by her parents. She indicated that she knew Robert wanted the major appliances and that "that's a fair deal."

We reject Robert's contention that he was not allowed to reappraise some items. He does not provide a record citation as to when he asked for the opportunity to reappraise some items. Moreover, Robert testified that he disagreed with the appraiser's valuation of many items but that he wanted values to be determined at an auction. He cannot now complain that his claim that certain items were misvalued was not fairly heard. *See* ***Evjen v. Evjen***, 171 Wis.2d 677, 688, 492 N.W.2d 361, 365 (Ct. App. 1992) (it is the party's responsibility to direct the family court's attention to issues that are being submitted for determination). *See also* ***Zindell v. Central Mut. Ins. Co.***, 222 Wis. 575, 582, 269 N.W. 327, 330 (1936) (it is well established that where a party has induced certain action by the trial court, he or she cannot later complain on appeal).

The final issue is the $1000 contribution Robert was ordered to make towards Barbara's attorney's fees. Robert contends that because income was equalized and property was equally divided, the circuit court's conclusion that Barbara needed a contribution to her attorney's fees was without a basis. We disagree. The circuit court's determination reflects consideration of the three requisite factors: the need for contribution, the ability to pay, and the reasonableness of the fees. *See* ***Van Offeren v. Van Offeren***, 173 Wis.2d 482, 499, 496 N.W.2d 660, 666 (Ct. App. 1992). The need for a contribution is supported by the circuit court's acknowledgment that it had not exactly equalized the parties' income through maintenance. It found that Robert had the ability to pay the contribution over time. It found the total fees reasonable.

Additionally, the circuit court found that the issues were appropriate for a stipulated resolution and that higher attorney's fees were generated by the failure to stipulate. In ordering the contribution, the circuit court implicitly laid the blame for the increased expenses at Robert's feet. In light of "overtrial," albeit

of a limited degree,[4] more specific findings were not necessary. *See* ***Ondrasek v. Ondrasek***, 126 Wis.2d 469, 484, 377 N.W.2d 190, 196 (Ct. App. 1985).

By the Court.—Judgment affirmed.

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

[4] The record is small. There was not extensive discovery. The trial required only one day and three witnesses.