

No. 1-11-1520

NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

<i>In re</i> MARRIAGE OF MICHAEL MIKUZIS,)	Appeal from the
)	Circuit Court of
Petitioner-Appellee,)	Cook County.
)	
and)	No. 07 D 261
)	
IZABELLA MIKUZIS,)	Honorable
)	Leida J. Gonzalez Santiago,
Respondent-Appellant.)	Judge Presiding.

JUSTICE MURPHY delivered the judgment of the court.
Justices Neville and Salone concurred in the judgment.

ORDER

¶ 1 *Held:* The circuit court's determination that respondent was not entitled to reimbursement for her alleged monetary contributions to the nonmarital home is presumed correct and properly supported by evidence due to her failure to support her challenge with an adequate record.

¶ 2 Respondent Izabella Mikuzis, *pro se*, appeals from the denial of her motion to vacate the judgment for dissolution of her marriage to petitioner Michael Mikuzis and from the underlying judgment, which was entered by the circuit court of Cook County on April 1, 2011. We discern from her appellate brief, which consists of a two-page letter to this court and various exhibits, that she is principally challenging the circuit court's determination that she was not entitled to reimbursement for her alleged contributions to the home, which they lived in during the marriage, but which Michael had purchased prior to their marriage.

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¶ 3 In 2007, Michael filed a petition for dissolution of marriage citing irreconcilable differences. Both parties were initially represented by counsel; on March 1, 2011, however, when the matter proceeded to a bench trial on the sole remaining issue of whether Izabella would be reimbursed for her alleged contributions to the home that Michael owned prior to the marriage, both parties appeared *pro se*. No verbatim trial transcript or an acceptable substitute (Ill. S. Ct. R. 323 (eff. Dec. 13, 2005)) of that proceeding has been filed on appeal.

¶ 4 On April 1, 2011, the circuit court entered a written memorandum and opinion order finding, *inter alia*, that grounds existed for the dissolution of marriage, and that Izabella was not entitled to reimbursement for any contributions she may have made to Michael's home because she failed to present, by traceable clear and convincing evidence, that she put any of her personal monies into significantly improving it. The court further found that the home was a nonmarital asset awarded to Michael; awarded each party the property in his or her name, possession and control; and held that each party was barred from receiving maintenance. On April 6, 2011, the court, on its own motion, entered an amended order providing that Izabella had 30 days from the entry of the original dissolution judgment to move out of Michael's home.

¶ 5 On April 25, 2011, Izabella, now represented by counsel, filed a motion to vacate the aforementioned orders pursuant to section 2-1203 of the Code of Civil Procedure (Code) (735 ILCS 5/2-1203 (West 2008)). As grounds, Izabella alleged that her diabetes and recent treatment for breast cancer left her "feeling nauseous and dizzy" during the bench trial. Izabella further alleged that she mistakenly believed that she would receive 40% of the value of Michael's home if her request for 50% was denied at trial, and that she had no idea that she needed to present evidence and witnesses at trial to support her position. She also included a prayer that the April 6, 2011, order providing her 30 days to move out of Michael's home, be vacated or stayed should a rehearing be granted. A notice of motion contained in the record on appeal indicated that Izabella's counsel would appear before the court on April 29, 2011, to present the motion. On

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May 26, 2011, Izabella filed a *pro se* notice of appeal from the April 1, 2011, judgment for dissolution of marriage and the "04-29-11 MOTION."

¶ 6 In this court, Izabella has not set out the issues she wishes to bring before this court. As stated, we discern from her "brief" that she is mainly disputing the circuit court's determination that she was not entitled to reimbursement for her alleged contributions to Michael's home. However, our ability to review this issue is hindered by Izabella's failure to comply with the supreme court rules governing appellate procedure.

¶ 7 Most apparent is Supreme Court Rule 341(h)(7) (eff. July 1, 2008), which states that argument "shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on." Izabella's appellate brief consists of a two-page letter with a mere citation to section 503 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/503 (West 2008)), and a mixture of unsupported factual allegations, argument, and comment. Arguments that do not comply with Rule 341(h)(7) do not warrant consideration on appeal and may be rejected by this court for that reason alone. *In re Marriage of Hendry*, 409 Ill. App. 3d 1012, 1019 (2011).

¶ 8 Izabella's *pro se* status does not excuse her from complying with the supreme court rules governing appellate procedure. *Coleman v. Akpakpan*, 402 Ill. App. 3d 822, 825 (2010). *Pro se* litigants are presumed to have full knowledge of applicable court rules and procedures, and compliance is mandatory. *In re Estate of Pellico*, 394 Ill. App. 3d 1052, 1067 (2009). Because Izabella failed to cite any relevant authority and reference the supporting portions of the record, her argument does not warrant consideration on appeal. *In re Marriage of Hendry*, 409 Ill. App. 3d at 1019.

¶ 9 We further note that Michael's *pro se* brief is insufficient to bring to the attention of this court what transpired and what evidence was presented to the circuit court. His statement of facts consists of a two-page response, identifying and clarifying his perceived errors and omissions in Izabella's brief. *In re Marriage of Snow*, 81 Ill. App. 3d 1148, 1149 (1980). In the

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absence of a verbatim transcript or acceptable substitute, the "statements of facts" presented by both parties fall outside the record and do not comply with Supreme Court Rule 323 (eff. Dec. 13, 2005). *American Savings Bank v. Robison*, 183 Ill. App. 3d 945, 948 (1989).

¶ 10 Izabella's assertions of the evidence, in particular, cannot substitute for the record support required by Rule 323. *American Savings Bank*, 183 Ill. App. 3d at 947-48. We will not comb the record on appeal on appeal to find support for her unsupported argument (*Gorski v. Board of Fire and Police Commissioners of the City of Woodstock*, 2011 IL App (2d) 100808, ¶ 47), and, accordingly, we find it forfeited.

¶ 11 Even if we were to consider Izabella's perceived argument, she cannot fail to present evidence of her alleged personal, monetary contributions to the nonmarital home and then complain that the court erred in not considering it. *In re Marriage of Hluska*, 2011 IL App (1st) 092636, ¶¶ 64-65. Izabella asks this court to consider various exhibits, some of which she notes were not recognized by the lower court, and new evidence in the form of a receipt from her father for work on Michael's home. We decline to honor this apparent request to apply a *de novo* standard of review to the issue of her contributions. See *In re Marriage of Donovan*, 361 Ill. App. 3d 1059, 1065 (2005).

¶ 12 As appellant, Izabella bore the burden of providing a sufficient record to this court, and absent a trial transcript or an acceptable substitute, there is no basis upon which to determine whether the circuit court abused its discretion in finding that she was not entitled to reimbursement. *In re Marriage of Blinderman*, 283 Ill. App. 3d 26, 34 (1996). We therefore presume that the court's action was in conformity with the law and properly supported by evidence, and any doubts arising from the incomplete record will be resolved against Izabella. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 393 (1984) (*cited in Balough v. Northeast Illinois Regional Commuter R.R. Corp.*, 409 Ill. App. 3d 750, 770 (2011)).

¶ 13 For the reasons stated, we affirm the judgment of the circuit court of Cook County.

¶ 14 Affirmed.

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