

FIRST DIVISION  
FILED: October 15, 2012

No. 1-11-3696

**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).

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IN THE  
APPELLATE COURT OF ILLINOIS  
FIRST JUDICIAL DISTRICT

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MAURA JOYCE,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County.
	)	
v.	)	
	)	No. 11 MI 154739
STEVE ROTTER and MICHELLE	)	
ROTTER,	)	Honorable
	)	Patrick J. Sherlock,
Defendants-Appellants.	)	Judge Presiding.

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PRESIDING JUSTICE HOFFMAN delivered the judgment of the court.  
Justices Karnezis and Cunningham concurred in the judgment.

**ORDER**

¶ 1 *Held:* The judgment of the circuit court is affirmed.

¶ 2 The plaintiff, Maura Joyce, brought this action against the defendants, Steve Rotter and Michelle Rotter, asserting a claim for breach of contract based on her purchase of a condominium from the defendants. Following a bench trial, the circuit court entered judgment for the plaintiff in the amount of \$4,211.75 plus costs. For the reasons that follow, we affirm.

¶ 3 The record reflects that the plaintiff initiated this action seeking recovery for breach of the real estate contract between the parties. In her complaint, the plaintiff alleged that in August 2010 the parties entered into a contract under which the plaintiff agreed to purchase a condominium unit owned by the defendants and located at 2030 North Lincoln Avenue in Chicago, Illinois. She also alleged that, pursuant to the real estate purchase agreement, the defendants were responsible for 75% of any special assessment assessed after the real estate closing and before September 15, 2011. In addition, she asserted that she had been required to pay special assessments totaling \$5,704 and that the defendants were responsible for 75% of that amount, equaling \$4,278. The plaintiff claimed that the defendants had refused to pay their portion of the special assessments, in breach of the terms of the real estate contract, and requested damages of \$4,278, plus costs.

¶ 4 The defendants appeared *pro se*, and filed an answer denying liability for any portion of special assessments paid by the plaintiff. In their answer, the defendants asserted that the plaintiff did not pay any special assessment during the relevant time period.

¶ 5 On October 5, 2011, the matter was called for a status hearing, and the case was set for trial on December 12, 2011. On that date, the parties appeared, and the cause proceeded to a bench trial. At the conclusion of the trial, the court entered judgment for the plaintiff in the amount of \$4,211.75, plus costs. The judgment order included a notation that the court had been "fully advised." Thereafter, the trial court stayed the judgment pursuant to Supreme Court Rule 305(a) (eff. June 15, 2004). This appeal followed.

¶ 6 On appeal, the defendants contend that the trial court deprived them of their right to due process and impaired the integrity of the judicial process by (1) instructing that no non-party

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witnesses would be permitted to testify at trial and (2) failing to continue the trial date to allow the defendants to call non-party witnesses. The defendants also argue that the evidence presented at trial was insufficient to support the trial court's judgment. Finally, the defendants claim that the trial court erred by improperly calculating the plaintiff's damages.

¶ 7 On review of a judgment entered after a bench trial, the trial court's findings will not be disturbed unless they are against the manifest weight of the evidence. *Eychaner v. Gross*, 202 Ill. 2d 228, 251, 779 N.E.2d 1115 (2002). In this case, however, the record on appeal is inadequate to permit our review of the trial court's judgment.

¶ 8 It is well established that the appellant has the burden of presenting a sufficiently complete record to support his claim of error, and any doubts arising from the incompleteness of the record will be resolved against him. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92, 459 N.E.2d 958 (1984). Where the record is incomplete or does not demonstrate the alleged error, a court of review will not speculate as to what errors may have occurred below. *Foutch*, 99 Ill. 2d at 391-92; *Smolinski v. Vojta*, 363 Ill. App. 3d 752, 757, 844 N.E.2d 989 (2006). In the absence of a complete record, the reviewing court must indulge in every reasonable presumption favorable to the judgment and will presume that the trial court's judgment conformed with the law and had a sufficient factual basis. *Foutch*, 99 Ill. 2d at 391-92; *Smolinski*, 363 Ill. App.3d at 757-58; *In re Rock Island County v. Boalbey*, 242 Ill. App. 3d 461, 462, 610 N.E.2d 769 (1993). The presumption of correctness in the circuit court is especially strong when, as here, there is an indication that the court below was "fully advised." *Smolinski*, 363 Ill. App. 3d at 758; *Mars v. Priester*, 205 Ill. App. 3d 1060, 1066, 563 N.E.2d 977 (1990).

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¶ 9 Here, the record on appeal contains the common-law record, but does not include a report of proceedings, bystander's report, or agreed statement of facts for the October 2011 status hearing, pursuant to Supreme Court Rule 323 (eff. Dec. 13, 2005). Thus, the record does not support the claim that the trial court instructed that only the testimony of the plaintiff and the defendants would be heard at trial. In addition, the record does not contain a report of proceedings, a bystander's report, or an agreed statement of facts for the December 2011 trial. Consequently, the record does not reflect that the defendants requested, and the trial court denied, a continuance of the trial date so they could present non-party witnesses. Moreover, the record does not establish what evidence the trial court heard and considered in ruling on the plaintiff's claim or in calculating damages.

¶ 10 Even where litigants appear *pro se*, they must provide a record of the trial court proceedings that is sufficient to allow the appellate court to review the issues raised on appeal. See *In re Rock Island County*, 242 Ill. App. 3d at 462, citing *Davis v. Allstate Insurance Co.*, 147 Ill. App. 3d 581, 498 N.E.2d 246 (1986). A litigant is not entitled to the application of a more lenient standard simply because he or she is not represented by counsel. *Multiut Corp. v. Draiman*, 359 Ill. App. 3d 527, 534, 834 N.E.2d 43 (2005). Supreme Court Rule 323 has the force and effect of law and is binding on litigants as well as the courts. See *Hall v. Turney*, 56 Ill. App. 3d 644, 645, 371 N.E.2d 1177 (1977). In the absence of a complete record, we must presume the trial court had a sufficient factual basis for its ruling and properly applied the law. *Foutch*, 99 Ill. 2d at 391-92. Accordingly, the decision of the circuit court is affirmed.

¶ 11 Affirmed.