



division of property will not be overturned unless it can be shown that the court abused its discretion. *In re Marriage of Zweig*, 343 Ill. App. 3d 590, 599 (2003). For reasons that follow, we affirm.

¶ 4 We note initially that the petitioner-appellant has failed to file a complete record on appeal: he did not file the transcripts of the proceedings before the circuit court. Accordingly, in an order entered March 28, 2012, we ordered that all references to matters outside of the record on appeal and all nonrecord citations are stricken from the brief of the petitioner-appellant. Because we have no report of proceedings, we have no way of knowing what testimony was introduced before the circuit court. Although the record contains the parties' exhibits, we have no way of knowing which exhibits were admitted into evidence. The only evidence before us on which we can evaluate the judgment of the circuit court consists of the common law record and exhibits to which the circuit court refers in the judgment appealed from.

¶ 5 We are reminded that an appellant has the burden to present a sufficiently complete record of the proceedings before the circuit court to support a claim of error. *Dell'Armi Builders, Inc. v. Johnston*, 172 Ill. App. 3d 144, 149 (1988). In the absence of such a record on appeal, it will be presumed that the order entered by the circuit court was in conformity with the law and had a sufficient factual basis. *Dell'Armi Builders, Inc.*, 172 Ill. App. 3d at 149. Any doubts which may arise from the incompleteness of the record will be resolved against the appellant. *Dell'Armi Builders, Inc.*, 172 Ill. App. 3d at 149. In the absence of a report of proceedings, a reviewing court will indulge in every reasonable presumption favorable to the judgment from which the appeal is taken and, absent any contrary indication in the record, must presume that the evidence heard by the circuit court was sufficient to support the judgment. *Dell'Armi Builders, Inc.*, 172 Ill. App. 3d at 149-50.

¶ 6 The verified petition for dissolution was filed July 11, 2008, and alleged that the

petitioner was 37 years of age and was not employed due to disability. The respondent is 38 years of age and is employed as a bookkeeper. The parties were married on October 19, 1996, and one child had been born to the marriage on November 26, 2001. The petition seeks the dissolution of the marriage on the basis of irreconcilable differences. No agreement as to property division had been reached.

¶ 7 In her response to the petition, the respondent admitted all of its allegations except she alleged that the petitioner was self-employed. She alleged that the petitioner had moved out of the marital home on June 23, 2008.

¶ 8 On February 13, 2010, the circuit court entered a judgment dissolving the marriage. On February 7, 2011, the circuit court entered its judgment on all property issues.

¶ 9 The circuit court awarded to the petitioner as marital property all items of personal property listed in his exhibit 2, an affidavit of William P. Carson of Carson Auction & Realty Company. The affidavit consists of a list of personal property, most of which has been assigned an appraised value by Carson. The total appraised value of personal property was \$26,995, and the circuit court accepted this valuation in its order and assigned this appraised property to the petitioner. The circuit court assigned a value of \$9,506 to the property listed on exhibit 2 which had not been appraised, and it assigned this property to the petitioner.

¶ 10 The circuit court awarded to the respondent as marital property the marital home, valuing it at \$76,000. We note that this valuation is supported by the respondent's exhibit 9, an appraisal performed by Weedman Appraisal Service on July 25, 2009, valuing the property at \$76,000. The circuit court also assigned to the respondent as marital property all personal property (except a 90cc Polaris four-wheeler which did not belong to the parties) listed on the petitioner's exhibit 3, an affidavit of William P. Carson of Carson Auction & Realty Company. Carson assigned an appraised value of \$15,555 to this personal property, which the circuit court accepted. The respondent was also awarded the new four-wheeler

which had been purchased by the petitioner with insurance proceeds after the parties' separation. This item was not included in Carson's appraisal and no value was assigned.

¶ 11 The circuit court found that the parties had a marital account with ING from which the petitioner had withdrawn \$7,000. The circuit court awarded the same amount, \$7,000, to the respondent from said marital fund. The petitioner was ordered to pay said sum to the respondent. The record does contain two exhibits, respondent's exhibit 7, which is a statement from the parties' joint ING Direct account, showing a withdrawal of \$7,000, on June 30, 2008, and respondent's exhibit 8, which is a statement from the checking account of the petitioner at Peoples National Bank showing a deposit of \$7,000, on July 1, 2008.

¶ 12 The respondent was ordered to pay the following marital debts: first mortgage on the marital home in the amount of \$29,441, second mortgage on the marital home in the amount of \$34,500, and "2002 Toyota purchase" in the amount of \$7,000. The petitioner was ordered to pay to the respondent the sum of \$811.10 for his share of the child's health care costs as required by an agreed temporary order. Neither party was awarded maintenance and each party was ordered to pay his or her own attorney fees and costs.

¶ 13 The petitioner first argues that the circuit court abused its discretion in failing to dispose of the respondent's 401(k) retirement account in its judgment of property division. The petitioner argues in his brief that there was testimony that the respondent had a 401(k) retirement account in an undetermined amount which appeared to be marital property. The petitioner points out that the circuit court made no mention of this account in its judgment.

¶ 14 The only reference in the record to a 401(k) retirement account is on the respondent's financial affidavits which list as an asset a contributory 401(k) account but no other information as to value or date of acquisition or contribution. There is no indication in the record that the financial affidavits were admitted into evidence at the hearing or otherwise brought to the attention of, or considered by, the circuit court.

¶ 15 The petitioner-appellant has failed to present a sufficiently complete record of the proceedings before the circuit court to support his claim of error. In the absence of such a record, it will be presumed that the order entered was in conformity with the law and had a sufficient factual basis. *Dell'Armi Builders, Inc.*, 172 Ill. App. 3d at 149. Any doubts which may arise from the incompleteness of the record will be resolved against the appellant. *Dell'Armi Builders, Inc.*, 172 Ill. App. 3d at 149. We must presume that no evidence regarding a 401(k) account was presented to the circuit court, and we find no error in the court's failure to dispose of this property.

¶ 16 The petitioner next argues that the circuit court abused its discretion in awarding to the respondent the sum of \$7,000, which the petitioner had withdrawn from the ING account at the time the parties separated, and in awarding to the respondent the four-wheeler which the petitioner had purchased after the separation. With respect to the \$7,000, he argues that there was no evidence of dissipation of assets and that the evidence shows that he used that money for legitimate living expenses. He further argues that the award to the respondent of \$7,000 and the new four-wheeler created an inequitable division of property, especially in light of the fact that he is completely disabled and unable to work, while the respondent is healthy and employed. He also argues that he still owes \$3,500 on the four-wheeler which was awarded to the respondent.

¶ 17 Again, we find that the petitioner-appellant has failed to present a sufficiently complete record of the proceedings before the circuit court to support his claim of error. We are unable to review any claim regarding dissipation of assets because the report of proceedings is not before us. Similarly, the record contains no evidence regarding the parties' relative states of health or their abilities to earn an income. Finally, there is no evidence in the record with respect to any debt owed on the new four-wheeler.

¶ 18 The petitioner-appellant has the burden to present a sufficiently complete record of

the proceedings before the circuit court to support a claim of error. *Dell'Armi Builders, Inc.*, 172 Ill. App. 3d at 149. In the absence of a report of proceedings, a reviewing court will indulge in every reasonable presumption favorable to the judgment from which the appeal is taken and, absent any contrary indication in the record, must presume that the evidence heard by the circuit court was sufficient to support the judgment. *Dell'Armi Builders, Inc.*, 172 Ill. App. 3d at 149-50.

¶ 19 In any event, we note that while the circuit court awarded to the respondent the marital home, it also awarded to the respondent the substantial marital debt thereon. Indeed, a breakdown of the assignment by the circuit court of the parties' assets and liabilities shows that the petitioner received a net award of \$36,501, while the respondent received a net award of \$27,614. Based on the record before us, we find no abuse of discretion in the circuit court's division of property.

¶ 20 For the foregoing reasons, the judgment of the circuit court of Wayne County is hereby affirmed.

¶ 21 Affirmed.