

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).

2014 IL App (4th) 140314-U

NO. 4-14-0314

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

December 22, 2014

Carla Bender

4th District Appellate

Court, IL

In re: MARRIAGE OF)	Appeal from
LORI A. HARDY,)	Circuit Court of
Petitioner-Appellant,)	Sangamon County
and)	No. 11D462
JOHN C. HARDY, JR.,)	
Respondent-Appellee.)	Honorable
)	Esteban F. Sanchez,
)	Judge Presiding.

JUSTICE KNECHT delivered the judgment of the court.
Justices Turner and Steigmann concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court did not abuse its discretion in denying petitioner's request for \$6,500 in attorney fees.

¶ 2 In November 2013, this court entered an order regarding attorney fees.

Respondent, John C. Hardy, Jr., was ordered to pay a specific amount for the trial proceedings, as well as petitioner, Lori A. Hardy's costs of the appeal. This court directed, "[f]ees Lori has already paid, although with borrowed money, will not be John's responsibility." *In re Marriage of Hardy*, 2013 IL App (4th) 130027-U, ¶ 64.

¶ 3 In April 2014, the trial court granted Lori's request for outstanding attorney fees as costs of the appeal, but it denied her request for \$6,500 of those fees. Lori appeals, arguing the trial court erred by not awarding her all of her costs of appeal. We affirm.

¶ 4

I. BACKGROUND

¶ 5 Lori and John married in 1989. In December 2012, the parties divorced. The trial court divided the parties' assets, divided the marital debt, awarded Lori \$2,000 in "temporary rehabilitative maintenance," and concluded each party was responsible for his or her own attorney fees. The parties appealed the trial court's order. A detailed summary of the evidence regarding the parties' income, property, and circumstances appears in the appeal from that order. See *id.*, ¶¶ 6-17.

¶ 6 In November 2013, this court modified the award of rehabilitative maintenance to permanent maintenance and reversed the trial court's ruling on attorney fees. *Id.* ¶ 4. Regarding attorney fees, this court held the trial court's decision was an abuse of discretion because of the large disparity between John's and Lori's incomes and because Lori received little marital property. Because each party already "spent sufficient time and money on attorney fees," this court decided to enter an order regarding attorney fees instead of remanding for a hearing on the issue. *Id.* ¶ 64. This court directed "John to be responsible for \$3,150 of Lori's attorney fees plus the costs of [the] appeal." *Id.* We further found the following: "Fees Lori has already paid, although with borrowed money, will not be John's responsibility." *Id.*

¶ 7 In February 2014, Lori filed a motion for entry of judgment in the trial court. Lori asserted she incurred \$12,530.55 in attorney fees on appeal. This amount included \$6,500 Lori borrowed from an unspecified family member to pursue the 2013 appeal. Lori also sought the \$3,150 figure determined by this court. In total, Lori sought a judgment of \$15,630.55.

¶ 8 In April 2014, the trial court entered an order denying Lori's request for the \$6,500 she borrowed from a family member to pursue the appeal. The court ordered John to pay

\$3,150 plus interest from the date of the November 2013 judgment. The court further found John responsible for \$6,033.50 plus interest to be paid to Lori's counsel for costs of pursuing the appeal.

¶ 9 That same month, Lori appealed the trial court's order on attorney fees. In July 2014, Lori filed a "motion in aid of implementation of this court's prior order." The arguments made in the motion mirror those asserted in her opening appellate brief. This court denied Lori's motion in November 2014.

¶ 10 II. ANALYSIS

¶ 11 On appeal, Lori contends the trial court erred by not awarding her all of the costs of her appeal. Lori summarizes the evidence showing the income disparity between her and John and illustrating the expenses she incurred in treating her medical conditions. Lori acknowledges the language in this court's November 2013 order, but she contends this court, when deciding how to allocate attorney fees, had "[n]o information regarding the appellate court costs or borrowed funds."

¶ 12 This court reviews a trial court's award of attorney fees under an abuse-of-discretion standard. *In re Marriage of Bradley*, 2011 IL App (4th) 110392, ¶ 26, 961 N.E.2d 980. Under this standard, we will find a trial court acted in error if we find the court acted arbitrarily, acted without conscientious judgment, or exceeded the bounds of reason and ignored recognized legal principles, causing substantial injustice. *Id.*

¶ 13 The trial court did not err in denying Lori's request for \$6,500 in attorney fees. The language of our order is clear: "Fees Lori has already paid, although with borrowed money, will not be John's responsibility." *Hardy*, 2013 IL App (4th) 130027-U, ¶ 64. This sentence

followed our determination of the amount John must pay for the proceedings at trial and our statement John would be responsible for Lori's costs of appeal. Since the decision of the amount John owed from trial had been made, this sentence directly applies to the trial court's determination of what John would owe for appeal costs. The \$6,500, borrowed from a family member, had already been paid and was properly excluded from the trial court's award.

¶ 14

III. CONCLUSION

¶ 15

We affirm the trial court's judgment.

¶ 16

Affirmed.