

**NOTICE**

This Order was filed under Supreme Court Rule 23 and is not precedent except in the limited circumstances allowed under Rule 23(e)(1).

2023 IL App (4th) 220547-U

NO. 4-22-0547

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

**FILED**

May 16, 2023  
Carla Bender  
4<sup>th</sup> District Appellate  
Court, IL

<i>In re</i> MARRIAGE OF	)	Appeal from the
(Jesse R. Branson,	)	Circuit Court of
Petitioner-Appellee,	)	Adams County
and	)	No. 21D188
Rosario M. Jorgenson,	)	
Respondent-Appellant).	)	
	)	Honorable
	)	Holly J. Henze,
	)	Judge Presiding.

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

**ORDER**

¶ 1 *Held:* The appellate court affirmed, concluding the circuit court's property classifications were not against the manifest weight of the evidence.

¶ 2 Respondent, Rosario M. Jorgenson, appeals from the circuit court's judgment dissolving her marriage to petitioner, Jesse R. Branson. Rosario, proceeding *pro se*, argues the court made several erroneous property classifications, which in turn resulted in an inequitable distribution of property, a criminal trespass, and a void judgment. For the reasons that follow, we affirm.

¶ 3 I. BACKGROUND

¶ 4 A. Petition for Dissolution of Marriage

¶ 5 In September 2021, Jesse filed a petition to dissolve his marriage to Rosario. The parties had been married since May 2018 and had no children together.

¶ 6 B. Hearing on the Petition for Dissolution of Marriage

¶ 7 In February 2022, the circuit court conducted a hearing on the petition for dissolution of marriage. At the hearing, Jesse was represented by counsel, while Rosario proceeded *pro se*. The following is gleaned from the evidence presented as it relates to the property classifications at issue in this appeal.

¶ 8 During the marriage, the parties entered into a rent-to-own agreement for a mobile home and a plot of land and then began living at that property (the marital residence). Jesse acknowledged Rosario used money obtained prior to the marriage to make the down payment for the marital residence. He asserted there was no agreement indicating she would have that money returned to her if the marital residence was sold. After the parties' separation in July 2021, Rosario continued to live at the marital residence alone and make monthly payments.

¶ 9 During the marriage, Rosario opened three cryptocurrency accounts. Rosario testified the accounts were funded with money she obtained prior to the marriage. She acknowledged she had no records to support her testimony.

¶ 10 Jesse testified a camper was purchased during the marriage. Rosario did not testify or provide any evidence about the camper.

¶ 11 Jesse testified he and Rosario opened a joint bank account during their marriage. Jesse indicated both he and Rosario deposited money into the account to pay bills. Rosario did not testify or provide any evidence about the joint bank account.

¶ 12 Jesse testified he and Rosario had two vehicles-one used by him and one used by her. Rosario did not testify or provide any evidence about the vehicles.

¶ 13 Based upon the evidence presented, the circuit court entered a judgment of dissolution, which awarded each party a vehicle and ordered an equal division of the value of the marital residence, cryptocurrency accounts, camper, and joint bank account.

¶ 14

### C. Postjudgment Proceedings

¶ 15

Within 30 days of the entry of the judgment of dissolution, Rosario filed a *pro se* motion to reconsider, which the circuit court denied on March 31, 2022. Then, on April 28, 2022, Rosario filed a *pro se* motion for sanctions pursuant to Illinois Supreme Court Rule 137 (eff. Jan. 1, 2018). On June 9, 2022, the court denied Rosario’s motion. Within 30 days of that denial, Rosario filed a notice of appeal from the judgment of dissolution.

¶ 16

This appeal followed.

¶ 17

## II. ANALYSIS

¶ 18

On appeal, Rosario argues the circuit court made several erroneous property classifications which, in turn, resulted in an inequitable distribution of property, a criminal trespass, and a void judgment.

¶ 19

### A. Appellate Jurisdiction

¶ 20

As an initial matter, prior to the briefing in this matter, Jesse filed a motion to dismiss the appeal for lack of jurisdiction, a motion which we elected to take with the case. Now, in his appellee brief, Jesse maintains dismissal of the appeal is warranted because Rosario failed to file a timely notice of appeal. Jesse’s position is not supported by the record. While he correctly notes Rosario’s notice of appeal was not filed within 30 days of the denial of the motion to reconsider, he fails to account for Rosario’s Rule 137 motion. The record shows Rosario’s Rule 137 motion was timely filed within 30 days of the denial of the motion to reconsider. See *id.* (“Motions brought pursuant to this rule must be filed within 30 days of the entry of final judgment, or if a timely post-judgment motion is filed, within 30 days of the ruling on the post-judgment motion.”). The record also shows Rosario’s notice of appeal was timely filed within 30 days of the denial of the Rule 137 motion. See Ill. S. Ct. R. 303(a)(1) (eff. July 1, 2017) (“The notice of appeal

must be filed \*\*\* within 30 days after the entry of the final judgment appealed from \*\*\*. A judgment or order is not final and appealable while a Rule 137 claim remains pending unless the court enters a finding pursuant to Rule 304(a).”). Based on the record presented, we find the existence of appellate jurisdiction and, therefore, reject Jesse’s argument asserting otherwise and deny his motion.

¶ 21 B. Rosario’s Briefing

¶ 22 We next address the sufficiency of Rosario’s briefing. Rosario’s appellate brief fails to comply with the rules addressing the form and content of appellate briefs. See *Lewis v. Heartland Food Corp.*, 2014 IL App (1st) 123303, ¶ 5, 17 N.E.3d 219 (noting the briefing rules are applicable to *pro se* litigants). Specifically, Rosario’s brief fails to, amongst other things, provide an adequate statement of facts or argument. See Ill. S. Ct. R. 341(h)(6), (h)(7) (eff. Oct. 1, 2020). In both her statement of facts and the argument section of her appellate brief, Rosario does not cite the record on appeal. Moreover, Rosario, in the argument section of her brief, does not identify the property she believes was improperly classified. Respondent’s failure to comply with the briefing rules would, by itself, be a sufficient basis for this court to dismiss the appeal. *Hall v. Naper Gold Hospitality LLC*, 2012 IL App (2d) 111151, ¶ 15, 969 N.E.2d 930. Nonetheless, we elect to address the appeal on the merits.

¶ 23 C. The Circuit Court’s Property Classifications

¶ 24 On the merits, Rosario seemingly complains about the circuit court’s classification of the following property as marital property: (1) the marital residence, (2) the cryptocurrency accounts, (3) the camper, (4) the joint bank account, and (5) the vehicles.

¶ 25 The determination of whether property is to be classified as marital or nonmarital is governed by section 503 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS

5/503 (West 2020)). Section 503(a) provides “ ‘marital property’ means all property \*\*\* acquired by either spouse subsequent to the marriage.” *Id.* § 503(a). Similarly, section 503(a)(6) provides “non-marital property” is “property acquired before the marriage.” *Id.* § 503(a)(6). With respect to the commingling of marital and non-marital property, section 503(c)(2)(A) states:

“When one estate of property makes a contribution to another estate of property, the contributing estate shall be reimbursed from the estate receiving the contribution notwithstanding any transmutation. No such reimbursement shall be made with respect to a contribution that is not traceable by clear and convincing evidence or that was a gift.” *Id.* § 503(c)(2)(A).

A property classification will generally not be disturbed on review unless it is against the manifest weight of the evidence. *In re Marriage of Henke*, 313 Ill. App. 3d 159, 166, 728 N.E.2d 1137, 1143 (2000).

¶ 26 A review of the evidence presented at the hearing on the petition for dissolution of marriage shows the marital residence, cryptocurrency accounts, camper, and joint bank account were acquired during the marriage, making them marital property. To the extent Rosario’s non-marital funds were used, Rosario did not trace her contributions by clear or convincing evidence or show her contributions were not otherwise a gift. As to the vehicles, there was no evidence presented as to when the vehicles were obtained. We find the marital residence, cryptocurrency accounts, camper, joint bank account, and vehicles could reasonably be classified as marital property. The court’s classifications are not against the manifest weight of the evidence and, therefore, Rosario’s argument before this court fails.

¶ 27 III. CONCLUSION

¶ 28 For the reasons stated, we affirm the circuit court’s judgment.

¶ 29

Affirmed.