

2015 IL App (2d) 130897-U  
No. 2-13-0897  
Order filed April 28, 2015

**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  
SECOND DISTRICT

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<i>In re</i> MARRIAGE OF MARIE NADERI,	)	Appeal from the Circuit Court
	)	of McHenry County.
Petitioner and Counterrespondent-	)	
Appellant,	)	
	)	
and	)	No. 08-DV-740
	)	
SCOTT RENKEN,	)	
	)	Honorable
Respondent and Counterpetitioner	)	Mark R. Gerhardt,
-Appellee.	)	Judge, Presiding.

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JUSTICE Burke delivered the judgment of the court.  
Justices Jorgensen and Hudson concurred in the judgment.

**ORDER**

¶ 1 *Held:* (1) We lacked jurisdiction of petitioner's challenge to the dissolution judgment, as her notice of appeal did not include it and in any event was untimely as to that judgment; (2) petitioner forfeited, for lack of development, her challenge to the trial court's approval of a sale of property, and in any event, without an official account of the relevant hearings, we could not say that the trial court erred.

¶ 2 Marie Naderi, the petitioner-counterrespondent (petitioner) in a dissolution-of-marriage action, appeals after the court entered an order approving the sale of certain businesses that the dissolution judgment permitted to be sold. She challenges aspects of the dissolution judgment and asserts that the sale was unfair. Scott Renken, the respondent-counterpetitioner

(respondent), counters that appellate jurisdiction is limited to review of the order approving the sale and that petitioner has failed to provide a record on appeal sufficient to support her claim that the sale was unfair. We agree with respondent on both points. We therefore affirm the order approving the sale. We do not review the dissolution order, as we lack jurisdiction to do so.

¶ 3

### I. BACKGROUND

¶ 4 Petitioner filed a petition for dissolution of marriage on August 1, 2008. Further filings suggested that both she and respondent were owners of a group of entities engaged in business relating to architecture and land development. Respondent, an architect, appears to have been the principal of these. Respondent filed a counterpetition for dissolution on August 4, 2009. A trial was held on various matters on June 28-30, 2010. The court entered a judgment for dissolution of marriage and memorandum decision on May 26, 2011. The court ruled that marital property, including the two entities mentioned, was to be liquidated and the proceeds split, with the alternative that either party could buy the other's interest for \$100,000.

¶ 5 On November 23, 2011, the court granted a motion of respondent's to modify certain specific terms in the dissolution judgment. As of November 19, 2012, all pending matters were resolved.

¶ 6 On March 11, 2013, respondent filed a "Notice of Intent to Sell" informing petitioner that respondent intended to conduct a sale of "all the ownership interest in R.A. Development Corp. [sic] LLC and Renken and Associates LLC." He filed a motion to approve the sale on May 7, 2013; he stated that the sale had taken place according to the procedure set out in the dissolution decree and that he had bought both entities, paying \$500 for each one.

¶ 7 On June 28, 2013, petitioner filed a motion for a full accounting and complete audit of respondent's businesses.

¶ 8 Also on June 28, 2013, the court approved the sale of the entities and struck respondent's motion for an accounting.

¶ 9 On July 12, 2013, petitioner filed a motion to reconsider the orders of June 28, 2013. The court denied that on July 25, 2013.

¶ 10 On September 3, 2013, petitioner moved in this court for leave to file a late notice of appeal; we granted the motion. According to her notice of appeal, petitioner sought review of the order entered "07-19-2013." (The only order entered on July 19, 2013, was one continuing the hearing on petitioner's motion to reconsider the order of June 28, 2013.) Petitioner stated that the relief she sought was "opportunity \*\*\* to proof [sic] my case that I did not have a chance to bid on my own business & also the business was embezzled by the partner, Scott Renken." The record on appeal contains no transcripts (or substitutes for transcripts) documenting the hearings on the motion to approve the sale and the motion to reconsider that approval.

¶ 11 **II. ANALYSIS**

¶ 12 On appeal, petitioner challenges aspects of the dissolution judgment and, in a cursory argument, asserts that the court's June 28, 2013, approval of the entities' sale was unfair. Respondent responds first that the timing of this appeal is such that this court has jurisdiction to review the order approving the sale only. He further argues that the record on appeal is insufficient to support petitioner's remaining claim.

¶ 13 We agree with respondent. Petitioner took her appeal from a group of postdissolution orders, not from the dissolution judgment. Further, petitioner's argument relating to the sale's approval is insufficiently developed and, in any event, is not sufficiently supported by the record on appeal.

¶ 14 Initially, we address the extent of our own jurisdiction. We hold that petitioner's notice of appeal allows us to review only the order relating to the sale's approval.

¶ 15 Petitioner's notice of appeal set out a challenge to the order relating to the sale's approval only. We note that petitioner used the wrong date—that of a continuance order—as the date of the order from which she took the appeal on the notice of appeal. We construe notices of appeal liberally, and a notice of appeal confers jurisdiction upon us to review an order when the appellant is fairly advised of the relief sought. *In re Marriage of Micheli*, 2014 IL App (2d) 121245, ¶ 57. The notice here stated that petitioner sought “opportunity \*\*\* to proof [sic] my case that I did not have a chance to bid on my own business & also the business was embezzled by the partner, Scott Renken.” Thus, despite the incorrect date, the notice makes clear petitioner's intent to seek review of the order approving the sale. However, the notice makes no mention of anything in the dissolution judgment, and it was therefore ineffective to inform respondent that the dissolution judgment is a subject of the appeal.

¶ 16 Further, the timing of the notice of appeal made it effective only as to the approval of the sale. Jurisdictionally, any appeal of the dissolution judgment was due no later than 30 days after November 19, 2012, when all then-pending matters were resolved. See Ill. S. Ct. R. 303(a)(1) (eff. May 30, 2008). Although respondent's motion to approve the sale raised a new claim in the dissolution action, it did not restore the appealability of the dissolution judgment. Even petitioner's motion for leave to file a late notice of appeal is too late to permit an appeal of that judgment. See Ill. S. Ct. R. 303(d) (eff. May 30, 2008). Thus, regardless of the contents of the notice of appeal, we would not have jurisdiction to consider a challenge to the dissolution judgment.

¶ 17 We thus turn to petitioner’s arguments relating to the fairness of the sale. We hold that petitioner has failed to develop her arguments sufficiently, but that, in any event, the record is insufficient to support petitioner’s claim on appeal. Illinois Supreme Court Rule 341(h)(7) (eff. Feb. 6, 2013) requires that the brief contain an “[a]rgument [section], which shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on.”

“ ‘ “[A] reviewing court is entitled to have the issues on appeal clearly defined with pertinent authority cited and a cohesive legal argument presented.” ’ \*\*\* Supreme Court Rule 341(h)(7) requires a clear statement of contentions with supporting citation of authorities and pages of the record relied on. [Citation.] Ill-defined and insufficiently presented issues that do not satisfy the rule are considered waived.” *Gandy v. Kimbrough*, 406 Ill. App. 3d 867, 875 (2010).

The argument section of petitioner’s brief contains bare assertions that the sale was unfair for various reasons, and petitioner fails to cite to any part of the record or to any authority in support of her argument. As a result, the relevant portion of petitioner’s argument section fails to satisfy Rule 341(h)(7), and the argument relating to the sale’s approval is therefore unacceptable.

¶ 18 Further, under the rule in *Foutch v. O’Bryant*, 99 Ill. 2d 389 (1984), the “appellant has the burden to present a sufficiently complete record of the proceedings at trial to support a claim of error, and in the absence of such a record on appeal, it will be presumed that the order entered by the trial court was in conformity with law and had a sufficient factual basis.” *Foutch*, 99 Ill. 2d at 391-92. “Any doubts which may arise from the incompleteness of the record will be resolved against the appellant.” *Foutch*, 99 Ill. 2d at 392.

¶ 19 Here, as best we can understand, petitioner asserts that the sale of the business entities was unfair because she did not get a chance to bid for the entities and because respondent acted to cause the entities to lose value. If petitioner ever provided any evidence for those claims, it must have been in the hearings on the relevant motions. We lack transcripts (or transcript substitutes) for those hearings, and, under the principles of *Foutch*, we therefore must presume that the trial court correctly evaluated all evidence before it.

¶ 20 III. CONCLUSION

¶ 21 For the reasons stated, we affirm the court's approval of the entities' sale, but do not consider petitioner's challenge to the dissolution judgment.

¶ 22 Affirmed.