

APPELLATE COURT OF ILLINOIS, FOURTH DISTRICT

In re Marriage of Bradley

961 N.E.2d 980, 356 Ill. Dec. 591 (Ill. App. Ct. 2011) · No. No. 4-11-0392 · Decided December 6, 2011

SUMMARY

The Illinois Appellate Court affirmed a judgment dissolving the marriage of Vicki and Bobby Bradley. The court upheld sanctions barring Bobby from claiming a Missouri farm was nonmarital property, an award of attorney fees, maintenance of \$250 per week, and the calculation of child support based on income from all sources. The court also addressed the classification and distribution of marital property, including a payable-on-death account.

CASE DETAILS

COURT	Appellate Court of Illinois, Fourth District
WRITING FOR THE COURT	Justice McCullough; Justice Steigmann; Justice Pope
JURISDICTION	Illinois
DECIDED	December 6, 2011
DOCKET	No. 4-11-0392
DISPOSITION	affirmed
PROCEDURAL POSTURE	Respondent appealed from a judgment dissolving the parties' marriage and resolving property distribution, attorney fees, maintenance, and child support, including a sanction barring his claim that a Missouri farm was nonmarital property.
STANDARD OF REVIEW	The discovery sanction, attorney-fee award, maintenance award, and child-support determination were reviewed for abuse of discretion. The classification of property as marital or nonmarital was reviewed under the manifest-weight-of-the-evidence standard.
PRECEDENTIAL VALUE	Published Illinois Appellate Court opinion; precedential within the applicable Illinois appellate framework.
PARTIES	Bobby Ray Bradley v. Vicki Bradley

TOPICS

- dissolution of marriage
- equitable distribution
- spousal support
- child support
- discovery dispute

PRACTICE AREAS

family law

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by barring Bobby's claim that the Missouri farm was nonmarital property as a discovery sanction.
2. Whether the trial court abused its discretion in awarding Vicki \$6,023 in attorney fees.
3. Whether the trial court abused its discretion in awarding Vicki maintenance of \$250 per week.
4. Whether the trial court erred in determining Bobby's net income and setting his child-support obligation at \$750 biweekly.
5. Whether the trial court erred in classifying the payable-on-death account as marital property.

HOLDINGS

1. The trial court acted within its discretion under Illinois Supreme Court Rule 219(c) and Rule 219(c)(iii) in barring Bobby from maintaining his claim that the Missouri farm was nonmarital property.
2. The trial court did not abuse its discretion by awarding Vicki \$6,023 in attorney fees.
3. The trial court did not abuse its discretion by awarding Vicki maintenance of \$250 per week.
4. The trial court did not abuse its discretion in determining Bobby's net income and setting his biweekly child-support obligation at \$750.
5. The trial court properly classified the payable-on-death account as marital property.

KEY QUOTATIONS

"The purpose of the sanction is to coerce compliance with discovery orders, not to punish the remiss party."
(961 N.E.2d at 984-985)

"It is reasonable to characterize this as "a deliberate and contumacious disregard for the court's authority.""
(961 N.E.2d at 985)

"The benchmark for determining the amount of maintenance is the recipient's reasonable needs in light of the standard of living established during the marriage." (961 N.E.2d at 989)

"Income" for tax purposes is not synonymous with "income" for determining child support." (961 N.E.2d at 990)

FACTUAL BACKGROUND

The parties were married in 1992 and had two children. During dissolution proceedings, Bobby failed to disclose a 118-acre Missouri farm in his discovery responses and pretrial affidavit, later changed his account of how he acquired the property, and repeatedly made inaccurate representations concerning it. The trial court valued the farm at \$227,000, awarded it to Bobby, barred him from claiming it was nonmarital, and awarded Vicki attorney

fees, maintenance, and child support. The court also found that funds in a payable-on-death account derived from farm income generated through Bobby's personal efforts and therefore constituted marital property.

PROCEDURAL HISTORY

Vicki Bradley filed a petition for dissolution of marriage in 2009. After discovery disputes and evidentiary hearings, the trial court entered orders addressing the distribution of marital property, maintenance, child support, and attorney fees, and later sanctioned Bobby Bradley under Illinois Supreme Court Rule 219(c) by barring his claim that the Missouri farm was nonmarital. Bobby appealed, raising five challenges. The Appellate Court of Illinois affirmed.

DISPOSITION

affirmed

CASES CITED

- Shimanovsky v. General Motors Corp., 181 Ill. 2d 112, 229 Ill. Dec. 513, 692 N.E.2d 286 (1998)
- In re Marriage of Barnett, 344 Ill. App. 3d 1150, 280 Ill. Dec. 354, 802 N.E.2d 279 (2003)
- Sander v. Dow Chemical Co., 166 Ill. 2d 48, 209 Ill. Dec. 623, 651 N.E.2d 1071 (1995)
- In re Marriage of Powers, 252 Ill. App. 3d 506, 191 Ill. Dec. 541, 624 N.E.2d 390 (1993)
- In re Marriage of Marsh, 343 Ill. App. 3d 1235, 279 Ill. Dec. 234, 799 N.E.2d 1037 (2003)
- Smith v. Gleash, 325 Ill. App. 3d 79, 258 Ill. Dec. 716, 757 N.E.2d 101 (2001)
- Boatmen's National Bank of Belleville v. Martin, 155 Ill. 2d 305, 185 Ill. Dec. 509, 614 N.E.2d 1194 (1993)
- In re Marriage of Haken, 394 Ill. App. 3d 155, 333 Ill. Dec. 320, 914 N.E.2d 739 (2009)
- In re Marriage of Donovan, 361 Ill. App. 3d 1059, 297 Ill. Dec. 823, 838 N.E.2d 310 (2005)
- In re Marriage of Nord, 402 Ill. App. 3d 288, 342 Ill. Dec. 416, 932 N.E.2d 543 (2010)
- In re Marriage of Miller, 231 Ill. App. 3d 480, 172 Ill. Dec. 679, 595 N.E.2d 1349 (1992)
- In re Marriage of Reynard, 378 Ill. App. 3d 997, 318 Ill. Dec. 304, 883 N.E.2d 535 (2008)
- In re Marriage of Culp, 341 Ill. App. 3d 390, 275 Ill. Dec. 221, 792 N.E.2d 452 (2003)
- In re Marriage of Freesen, 275 Ill. App. 3d 97, 211 Ill. Dec. 761, 655 N.E.2d 1144 (1995)
- In re Marriage of McGowan, 265 Ill. App. 3d 976, 202 Ill. Dec. 827, 638 N.E.2d 695 (1994)
- Reyna v. Reyna, 78 Ill. App. 3d 1010, 34 Ill. Dec. 818, 398 N.E.2d 641 (1979)
- In re Marriage of Dunlap, 294 Ill. App. 3d 768, 228 Ill. Dec. 948, 690 N.E.2d 1023 (1998)