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2017 IL App (3d) 160564-U

Order filed September 26, 2017

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

2017

In re MARRIAGE OF)	Appeal from the Circuit Court
)	of the 12th Judicial Circuit,
SUZANNE ADAMIC-ALBERT,)	Will County, Illinois.
)	
Petitioner-Appellee,)	Appeal No. 3-16-0564
)	Circuit No. 14-D-1409
v.)	
)	Honorable
STEPHEN J. ALBERT, JR.,)	Dinah Archambeault
)	Judge, Presiding
Respondent-Appellant.)	

JUSTICE O'BRIEN delivered the judgment of the court.
Presiding Justice Holdridge and Justice Schmidt concurred in the judgment.

ORDER

¶ 1 *Held:* Trial court's property valuation and distribution in judgment of dissolution were supported by the evidence. Its decisions to deny Stephen's request for maintenance and his motion to reconsider and to reopen proofs were not an abuse of discretion.

¶ 2 Petitioner Suzanne Adamic-Albert was granted a dissolution of her marriage to respondent Stephen Albert. The judgment included the trial court's property distribution and its denial of Stephen's request for maintenance. Following entry of the judgment of dissolution, the

trial court denied Stephen's motion to reconsider the judgment of dissolution and to reopen proofs. We affirm.

¶ 3

FACTS

¶ 4

Petitioner Suzanne Adamic-Albert and respondent Stephen Albert were married in November 1991. At that time, Stephen was disabled due to a 1989 workplace accident and was seeking a settlement for his injuries. He received a \$210,000 lump sum settlement in 1996. Suzanne filed a petition for dissolution of the marriage in August 2014 and Stephen sought temporary support in September 2014. Stephen filed a counter-petition for judgment of dissolution in April 2015.

¶ 5

Hearings took place on Stephen's motion for temporary support in August 2015. Stephen's financial disclosure statement dated March 30, 2015, indicated he had a gross annual income of \$12,012 in Social Security disability benefits and received insurance through Suzanne's job. He had approximately \$300 total in his checking and saving accounts and \$11,699 in assets consisting of six vehicles, and estimated the parties' business property was worth \$115,000. He owed \$1,100 to the Internal Revenue Service (IRS), \$1,200 on his Menard's credit card, \$1,200 in medical bills, and \$8,000 in attorney fees. Stephen's monthly expenses amounted to \$1,790.

¶ 6

On August 5, 2015, the trial court entered an order awarding Stephen temporary support in the amount of \$758 per month. The order stated the support was on a temporary basis, with the court looking for cases discussing the impact of domestic violence on a maintenance award. The order reserved the issues of retroactivity and/or vacatur of the award if the court determined it should not have been awarded due to Stephen's criminal acts of domestic violence against Suzanne.

¶ 7 On August 28, 2015, Stephen filed a petition for rule to show cause for Suzanne’s failure to pay maintenance as ordered, and on September 1, 2015, Suzanne filed a motion to reconsider the maintenance award. The trial court found the rule would not issue “but in the event the [support] petition proceeds to hearing at a later date, the rule shall issue instanter.” On September 11, 2015, the court issued an order continuing the trial until September 14, “for status of guardianship” and ordered the guardian to appear. On October 5, 2015, the proposed limited guardian, Johnita Andrae, was present. Andrae was a long-time friend of Stephen and apparently his girlfriend at the time of the dissolution proceedings. The trial court set the motion to compel for an October 20, 2015, hearing. On October 14, 2015, Stephen’s attorney moved to withdraw. On October 15, the trial court ordered Suzanne to pay \$700 for the guardian’s appointment and set the trial for October 21 on an expedited trial setting. On that date, the court issued an order continuing the cause for status.

¶ 8 On November 16, 2015, the Grundy County court issued an order of guardianship appointing Andrae as limited guardian of Stephen for the purpose of participation in the dissolution proceedings. The guardianship order stated that Stephen was suffering from severe depression and anxiety and unable to manage the dissolution. On November 20, 2015, the trial court granted the motion to withdraw filed by Stephen’s attorney, ordered Stephen to appear or hire counsel within 21 days, and set a status date for December 22, 2015. Suzanne moved to reconsider the grant to withdraw and the trial court ordered both Stephen’s attorney and his guardian to appear for a hearing on Suzanne’s motion. The motion to reconsider was heard and denied on November 25, 2015. At the December 22, status hearing, Andrae appeared and told the court she was looking for an attorney but had encountered difficulties in securing one. The January 5, 2016, trial date was maintained.

¶ 9 On January 5, the cause proceeded for trial. Andrae explained to the court that she met with an attorney on January 4, 2016, the earliest date that was available. The attorney agreed to take the case but could not appear at the hearing. Suzanne argued that the case had been continued at least twice and she was ready for trial. The trial court instructed Andrae to file a general appearance, noted there was no motion to continue, and determined it had to proceed with the trial. The court then went through the terms of the proposed judgment of dissolution with Andrae and Suzanne to identify what subjects were still at issue. As to the household property, Andrae said Stephen “expressed nothing as far as that,” she knew the appliances were his, but that he had “no claims for any of that.” The property issues Andrae identified as in dispute included the arcade machines, jewelry and various vehicles, and their classification as marital or non-marital property.

¶ 10 Andrae challenged Suzanne’s pension listing, suggesting that she had cashed out another pension and failed to list its value, argued that the home where the parties lived and the rental property they owned next door were both marital, and maintained that Stephen was entitled to maintenance. Andrae stated that the couple’s business, Sidewinders, had already been dissolved and that the business property should be sold and the proceeds evenly split. The only debt at issue was the Menard’s credit card. Andrae also challenged the \$250 reimbursement Suzanne sought for the cost of the puppy Stephen allegedly beat to death and \$150 for the cost of cleaning up the gasoline he splashed on her. Suzanne also sought a \$5,000 contribution for her attorney fees.

¶ 11 Suzanne testified. She and Stephen married on November 9, 1991, and separated on September 15, 2013, when Stephen went to jail for trying to set her on fire. They had no children. She waived maintenance and asked that Stephen be denied maintenance so that they

could go their separate ways, which she desired because of the trauma she experienced from Stephen's acts of domestic violence. She bought the home in which the couple lived one day before she and Stephen were married. In August 1996, Stephen executed a quit claim deed transferring any rights he had in the property to Suzanne. She offered Stephen several opportunities to retrieve any household property he wanted. His prior attorney had videotaped the contents of the house and garage, where the business property was stored. Stephen did not express a desire for any specific items.

¶ 12 The estimated fair market value of the rental property was \$180,000. The outstanding mortgage was \$50,000. An order of protection prevented Stephen from entering the rental property the couple owned. She suggested the property be sold and the proceeds divided evenly. Suzanne also wanted the business dissolved and the business property sold and the proceeds evenly split. She estimated the value of the business property at approximately \$150,000. She had offered for Stephen to retrieve the business property but he did not. In her view, Stephen was able to work and "scamming" the government to receive his disability. He could get the business equipment and go back to work but he "willfully refused." He was refusing to work so she would have to support him, which she characterized as another form of his abuse and harassment of her. On cross-examination, Suzanne explained that Stephen used \$39,100 of his \$210,000 settlement as a down payment for the rental property.

¶ 13 The only jewelry she received during the marriage was her engagement ring and a bracelet Stephen gave her as a gift. She had other jewelry she owned prior to the marriage, as established by an appraisal dated October 7, 1991. Her pension was valued at \$1,600 according to her November 2014 statement and was worth approximately \$100 more on the trial date. She valued the parties' vehicles at approximately \$33,000, wanted them sold, and the proceeds

divided evenly. She valued the arcade machines at approximately \$42,000 and the bowling machines at \$20,000. The arcade machines were bought so that Stephen could repair and resell them, which could be a lucrative endeavor where Stephen could earn more than \$4,000 per week. She admitted to using the Menard's credit card while Stephen was in jail, estimated the balance at \$1,100, and explained she made monthly payments on it until Stephen denied her access to the account.

¶ 14 Andrae testified that Stephen was “disabled, not crippled,” adding, “there is a difference.” It was her understanding that when Stephen went on disability, the “terminology was that he was unable to sustain employment because he could not work continually because of the injuries.” The business was created in light of Stephen's physical limitations so he could work. His current surgeries and recovery periods further hindered his ability to work. His condition was deteriorating and his medical expenses kept increasing. She had not seen where he made any money from the business, which was a hobby turned into a corporation. The couple's motorhome was missing, apparently given to Suzanne's nephew without Stephen's agreement.

¶ 15 On cross-examination, Andrae said she objected to the jewelry and pension distributions based on her review of the file prepared by Stephen's attorney. She knew Stephen owned a Ford truck before the marriage and still owned it. She objected to the conclusion that Stephen killed Suanne's puppy, maintaining it was hit by a car. She also objected to reimbursement for cleaning up the gas because Stephen told her he was trying to kill himself when the gasoline splashed on Suzanne as she tried to take the gas can from him. Stephen also told her about the missing motorhome. She had discussed the case with Stephen's attorney before the attorney withdrew and read the proposed settlement agreement. She did not discuss the agreement with Stephen because it would upset him.

¶ 16 Andrae took offense at remarks of Suzanne’s counsel regarding a suicide attempt by Stephen and his mental health. In response, counsel argued that, like his client, he believed that Stephen’s conduct was a “ruse” and an attempt to delay the proceedings and harass Suzanne. Lastly, Suzanne’s counsel submitted that there was no common law support to order payment of a maintenance award by a survivor of domestic violence, characterizing Stephen’s actions as criminal misconduct.

¶ 17 The trial court issued its decision on January 29, 2016, finding grounds of irreconcilable differences. It also made the following findings. Suzanne was 49 years old, in good health, earned \$83,012 annually, had a \$1,600 pension, and waived maintenance. She requested the court bar Stephen from maintenance based on his ability to work and his guilty plea for attempt aggravated domestic battery against her. Stephen was 55 years old, unemployed, with an annual salary of \$12,012 in disability benefits, “disabled but not crippled.” He was injured in a workplace accident in 1989 and began receiving benefits in 1996. Stephen was able to repair machines and cars, and build bikes and racecars for the business. The business operated out of the couple’s home and the rental property next door. Stephen stopped working for the business after the September 2013 incident. He plead guilty to attempt aggravated domestic battery in August 2014, and was barred from contact with Suzanne, her property, or her family as a condition of the plea. A limited guardian was appointed for Stephen, who suffered from severe depression and anxiety.

¶ 18 The couple’s home was premarital property, bought by Suzanne one day prior to the marriage. Stephen did not present any evidence he was entitled to reimbursement. The engagement ring and bracelet were gifts to Suzanne and her other jewelry was premarital. Stephen had nonmarital property at the house. The trial court placed a value on the parties’

marital property, based on Suzanne's testimony. Suzanne and Stephen were awarded the personal property in their possession and their non-marital property. The court awarded the business to Stephen and made him responsible for removal costs. If Stephen opted to sell the business, he was entitled to 100% of the proceeds. Suzanne was awarded her pension. The rental property was ordered sold and the proceeds evenly split. Other marital property, such as the arcade and bowling machines was ordered to be sold at auction and the proceeds distributed 100% to Stephen. The Menard's credit account balance was assigned to Suzanne and each party was responsible for their medical and other debts, and their attorney fees. Stephen was to reimburse Suzanne's \$250 for her puppy and \$110 for gasoline cleaning. Suzanne waived maintenance and the court denied Stephen's maintenance request. Stephen filed a motion to reconsider the terms of the judgment of dissolution, which the trial court heard and denied. Stephen appealed.

¶ 19

ANALYSIS

¶ 20

On appeal, the issues are whether the trial court erred in entering the judgment of dissolution and in denying Stephen's motion to reconsider the judgment. He argues the trial court applied an incorrect version of the Marriage and Dissolution of Marriage Act (Act) in valuing and distributing the marital estate, improperly considered his criminal conviction and misconduct in distributing the marital property, and erred in denying him maintenance. Stephen also challenges the court's denial of his request to reopen his case in chief.

¶ 21

Stephen challenges several aspects of the property distribution determined by the trial court. He claims the couple's home was transmuted into marital property through mortgages and refinancing of those mortgages during the marriage and with the use of marital funds and that he was entitled to reimbursement for the increase in value of the house. He also seeks

reimbursement for the non-marital funds he used to make a down payment on the rental property. He further argues the trial court did not account for Suzanne's life insurance policy, and improperly valued the business and its earning potential for Stephen.

¶ 22 The trial court divides marital property in “just proportions” after considering the following factors, in relevant part: each party's contribution to acquiring, preserving, increasing or decreasing the marital and non-marital estates; the value of property assigned to each spouse; the marriage's duration; each spouse's relevant economic circumstances when the property division becomes effective; each party's age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liability, and needs; whether the property apportionment is in lieu or in addition to maintenance; and the parties' reasonable opportunities for future acquisition of capital assets and income. 750 ILCS 5/503(d)(1), (3)-(5), (8), (10-11) (West 2014). Marital property includes all property that was acquired by either spouse during the marriage, including debts. 750 ILCS 5/2-503(a) (West 2014). Non-marital property includes property acquired before the marriage. 750 ILCS 5/503(a)(6) (West 2014). This court will not disturb a trial court's distribution of marital assets absent an abuse of discretion. *In re Marriage of Joynt*, 375 Ill. App. 3d 817, 822 (2007).

¶ 23 The trial court valued the marital estate, based substantially on Suzanne's testimony and the values the parties provided on their financial disclosure statements. At the trial, Suzanne presented evidence that she bought the home in which the couple lived prior to their marriage. She also presented a quit claim deed Stephen executed in 1996 transferring any interest he had in the home to her. She valued the parties' rental property at \$180,000 with a \$50,000 mortgage. Stephen put nearly \$40,000 down as payment for the rental property from settlement funds he received during the marriage for his workplace injury. In his financial disclosure statement dated

May 4, 2015, Stephen failed to list any value for the home or the parties' rental property. The trial court found Stephen did not present any evidence in support of reimbursement for an increase in equity in Suzanne's non-marital home. Stephen did not provide evidence that his contribution of non-marital funds for the purchase of the rental property was not intended as a gift to the marital estate or clear and convincing evidence to enable the court to trace the non-marital funds. See 750 ILCS 5/503(c)(2)(A) (West 2014) (contributing party not entitled to reimbursement when contribution not traceable by clear and convincing evidence or is a gift); *In re Marriage of Werries*, 247 Ill. App. 3d 639, 641-42 (1993) (asset given to marital estate changes from nonmarital to marital).

¶ 24 Stephen also failed to present any evidence at the trial regarding the other aspects of property distribution about which he complains, including Suzanne's life insurance policy, the business valuation and the earning potential. While Suzanne's financial disclosure statement indicated a life insurance policy valued at \$25,000, she did not testify about the policy and Stephen did not question her about it. There was no other evidence presented on the supposed pension. Stephen did not offer a business value on his financial disclosure statements or at trial. Stephen's prior attorney videotaped the contents of the home and business and inspected the business property, allowing him the opportunity to inventory and value the business property. In contrast, Suzanne offered estimates of the business property ranging from \$100,000 to \$150,000. Based on Suzanne's estimates, the trial court valued the property at \$100,000 and awarded it to Stephen. See *In re Marriage of Cutler*, 334 Ill. App. 3d 731, 736-37 (2002) (trial court may select value between opposing values when conflicting evidence is presented). The court assigned the rental property its fair market value and Stephen will received the fair market value of the other property when it is sold and the proceeds distributed to him. 750 ILCS 5/503(k)

(West 2014); *Marriage of Cutler*, 334 Ill. App. 3d at 737 (citing *In re Marriage of Grunsten*, 304 Ill. App. 3d 12, 17 (1999) (fair market value “ ‘measured by what a willing buyer would pay a willing seller in a voluntary transaction’ ”).

¶ 25 Stephen offers evidence on appeal that he failed to submit in the trial court regarding the property distribution and we will not consider it. *In re Marriage of Albrecht*, 266 Ill. App. 3d 399, 403 (1994) (party should not benefit from failure to produce evidence at trial and reviewing court will not reverse trial court based on parties’ failure to offer evidence of value). The trial court properly considered the evidence before it, characterized the property, placed values on it and distributed it equitably between Suzanne and Stephen. We find the trial court’s property distribution was in accord with the applicable statute and not an abuse of discretion.

¶ 26 Stephen next asserts the trial court improperly used his criminal conviction and other misconduct as a factor in the property distribution. He challenges the provisions in the judgment of dissolution requiring him to reimburse Suzanne \$250 for her puppy he allegedly killed and \$110 for gas clean up, arguing there was insufficient evidence presented to support these costs.

¶ 27 The trial court is to distribute the couple’s property without regard to “marital misconduct.” 750 ILCS 5/503(d) (West 2014). Marital misconduct is defined as misconduct during the marriage that lead to its dissolution. *In re Marriage of Cihak*, 92 Ill. App. 3d 1123, 1125 (1981). A property distribution cannot stand when it was based on the improper factor of marital misconduct. *In re Marriage of Parker*, 216 Ill. App. 3d 672, 680 (1991). Where the trial court merely mentions a spouse’s misconduct but does not base its decision about property distribution based on it, there is no error in the distribution. *Szesny v. Szesny*, 197 Ill. App. 3d 966, 972-73 (1990).

¶ 28 In the judgment of dissolution, the trial court ordered Stephen to reimburse Suzanne for the cost of her puppy and the cleanup of gasoline he splashed on her in the 2013 domestic violence incident. There was no mention of misconduct in the \$250 award. In the \$110 award, the trial court mentioned Stephen’s conviction merely to put the award in context. The trial court did not improperly consider Stephen’s misconduct in fashioning the property distribution.

¶ 29 Next, Stephen argues that the trial court erred when it failed to award him maintenance. He maintains the statutory factors support an award in his favor, his needs are not met, and Suzanne has sufficient assets to pay maintenance.

¶ 30 In determining whether to award maintenance, the trial court considers the following factors, in relevant part: the parties’ income and property, needs, present and future earning capacity; the time necessary to enable to party seeking maintenance to become self-supporting and whether the party is able to support himself through employment; the standard of living enjoyed during the marriage; the length of the marriage; the parties’ “age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, and the needs of each of the parties”; all income sources, including disability and retirement income; and “any other factor that the court expressly finds to be just and equitable.” 750 ILCS 5/504(a)(1)-(3), (6)-(10), (14) (West 2014).

¶ 31 Stephen’s financial disclosure statement dated March 2015 provided that his income was from Social Security disability was \$1,033 per month, with expenses of \$1,790 for a monthly shortfall of \$757. The statement indicated he owed \$8,000 in attorney fees, \$1,200 in medical bills, and \$1,100 to the Internal Revenue Service (IRS). He was awarded the business assets and one-half the sale proceeds of the rental property valued at \$180,000. The evidence presented at trial did not establish that Stephen was unable to work. Rather, Andrae testified that the recovery

he needed for recent surgeries merely hindered his ability to work. She did not offer any specific testimony regarding surgeries, Stephen's recovery, or what physical limitations prevented him from working. Suzanne testified Stephen had been able to work previously and could earn a substantial income from the business. In her view, Stephen refused to work as a means to continue to abuse and harass her and make her support him.

¶ 32 In the judgment of dissolution, the trial court stated that it had considered the statutory maintenance factors and determined maintenance was not warranted. Andrae's testimony established that Stephen was "disabled", not "crippled". Stephen was able to work at the business during the marriage in spite of his disability. He did not offer any testimony that he would not be able to work; Andrae stated only that it was becoming harder. We cannot speculate that maintenance is appropriate because Stephen may not be able to work in the future. *In re Marriage of Campise*, 115 Ill. App. 3d 610, 614 (1983) (finding potential that wife might be unemployed in future due to health issues insufficient basis to grant maintenance). Because the trial court found that Stephen had worked at Sidewinders during the marriage and had not shown he was unable to work, it did not abuse its decision in denying Stephen's request for maintenance.

¶ 33 The last issue is whether the trial court erred in denying Stephen's motion to reconsider the judgment of dissolution, which included a motion to reopen proofs. Stephen argues the trial court's refusal of his requests for reconsideration and to open proofs violated his right to fundamental justice. Specifically, he maintains that the trial court abused its discretion by requiring his limited guardian, a non-attorney, to proceed to trial without counsel or preparation. He additionally maintains that his motion to compel remained pending and discovery remained incomplete.

¶ 34 The purpose of a motion to reconsider is to alert the trial court to newly discovered evidence, changes in the law, or errors the court made in applying the law. 735 ILCS 5/2-1203 (West 2014); *City of Chicago v. Chicago Loop Parking LLC*, 2014 IL App (1st) 133020, ¶51 (citing *Cable America, Inc. v. Pace Electronics, Inc.*, 396 Ill. App. 3d 15, 24 (2009)). A party cannot “stand mute” at trial and then present evidence in its motion to reconsider to show that the court’s decision was in error. *Universal Scrap Metals, Inc. v. J. Sandman & Sons, Inc.* 337 Ill. App. 3d 501, 508 (2003) (citing *Gardner v. Navistar International Transportation Corp.*, 213 Ill. App. 3d 242, 248 (1991)). A motion to reconsider is properly denied when the evidence in support of it is presented for the first time in the motion to reconsider but it was available for presentation at the trial. *In re Marriage of Sawicki*, 346 Ill. App. 3d 1107, 1120 (2004). We review the trial court’s denial of a motion to reconsider for an abuse of discretion. *In re Marriage of Gowdy*, 352 Ill. App. 3d 301, 307 (2004).

¶ 35 The court considers the following factors in deciding a motion to reopen proofs: whether (1) there was an excuse for failing to introduce the evidence at trial; (2) the other party would be surprised or prejudiced by the new evidence; (3) the evidence is of critical importance to the movant’s case; and (4) “there are cogent reasons for denying the motion.” *In re Marriage of Steffen*, 2012 IL App (2d) 110278, ¶24. We review the trial court’s denial of motions to reconsider and to reopen proofs for an abuse of discretion. *Id.*

¶ 36 First, we reject Stephen’s assertion that discovery was incomplete and his motion to compel remained pending. Although twice noticed up for a hearing, the motion had not been heard when the limited guardian took over the case *pro se*. At that point, it was Andrae’s responsibility to seek a hearing or ruling on the motion. See *Terrill v. St. Louis Southwestern Ry Co.*, 154 Ill. App. 3d 983, 986 (1987) (burden is on movant to call motion for hearing). Because

she failed to do so, Stephen has forfeited/waived this argument. *Hernandez v. Pritikin*, 2012 IL 113054, ¶41 (“a movant has the responsibility to obtain a ruling on his motion if he is to avoid forfeiture on appeal”). We also reject Stephen’s claim that he was prejudiced by the trial court’s refusal to continue the trial. No motion to continue was filed seeking a postponement of the January 5, 2016, trial date. Stephen had twice before sought and been granted a continuance, despite the case being placed on an expedited trial track. Andrae was ordered and did appear at a September 14, 2015, hearing. On November 20, 2015, she was present when the trial court granted the motion to withdraw filed by Stephen’s attorney and ordered her to appear or hire counsel within 21 days. Andrae was required and did appear at the hearing to reconsider the motion to withdraw. On December 22, 2015, Andrae was still seeking to hire counsel and was aware the trial date remained January 5. Her failure to timely hire counsel, despite knowing she needed to do so, does not constitute a basis for the trial court to continue the trial, particularly where Andrae failed to ask for a continuance. We find the trial court did not abuse its discretion continuing the trial as scheduled.

¶ 37 Stephen argues the trial court should have granted his motion to reconsider his motion to reopen proofs. In his motion, he disputes valuation but offered no contrary proof at trial and did not object to the values presented by Suzanne. It was proper for the trial court to accept the uncontroverted valuations to which Suzanne testified. *In re Marriage of Albrecht*, 266 Ill. App. 3d 399, 401 (1994) (it is the parties’ obligation to provide the court with sufficient evidence regarding property value). Stephen offered no excuse for the failure to present the evidence at trial, other than the fact that his limited guardian participated *pro se* and lacked legal knowledge and training. As limited guardian, Andrae stepped into Stephen’s shoes and stood in his position as a *pro se* litigant. *In re Estate of Pellico*, 394 Ill. App. 3d 1052, 1067 (2009) (*pro se* litigants

held to same standards as those represented by counsel). Her *pro se* status did not alleviate her responsibility to follow the rules and to proceed to trial with the necessary documentation and proof.

¶ 38 Because the information Stephen now seeks to use is not new, whether Suzanne would be prejudiced is not of concern. The information Stephen sought to submit was important to his case, however, he had the opportunity before and during the trial to present it and failed to do so. The trial court's distribution of property was based on the parties' financial disclosure statements and the testimonies of Suzanne and Andrae. Lastly, there were cogent reasons for the court to refuse to reopen proofs. Significantly, the circumstances dictate that the best course for the parties was a complete severance of their relationship and any factors connecting them in the quickest possible time. In his motion to reconsider, Stephen did not offer newly discovered evidence, argue changes in the law, or point to any errors the court made in the applying the existing law. The trial court did not err in denying the motions to reconsider and to reopen proofs.

¶ 39

CONCLUSION

¶ 40 For the foregoing reasons, the judgment of the circuit court of Will County is affirmed.

¶ 41 Affirmed.