

¶ 4 The parties married in 1988. In 2016, Sun filed for dissolution of the marriage. They had three children during the marriage, all of whom were emancipated when Sun filed her petition for dissolution.

¶ 5 In January 2018, the matter proceeded to trial. Sun testified first. She was 59 years old. She worked as an examiner for the United States Patent and Trademark office (USPTO) for the last 10 years. Her base salary was \$132,000. She obtained her master's degree in 1987. The couple resided in their family home in Naperville with their children until 2013. Sun moved to Virginia because she alleged Fanghwa "beat [her]." She bought a condominium and continued working for the USPTO. To her knowledge, the USPTO did not have a mandatory age of retirement.

¶ 6 Fanghwa was 67 at the time of trial. He obtained his master's degree in 1985. He also worked at the USPTO but retired in 2016 at 64, having worked his entire adult life. His final salary was \$110,000.

¶ 7 In April 2016, the State charged Fanghwa with domestic battery against Sun. On October 28, 2016, Fanghwa pled guilty to the same. He retired from the USPTO that day after receiving a letter from the USPTO indicating he would be otherwise terminated due to the domestic battery conviction. He was days short of turning 65. Fanghwa would still be working had he not received this letter. He planned to work until spring of 2018 when the parties' youngest son would graduate from his undergraduate studies. The USPTO got involved in the matter because Sun told the office it happened during work hours. Fanghwa worked from home at the time. Sun alleged he hit her when he was on the clock. Fanghwa alleged Sun struck him across the face during their marriage. She denied it.

¶ 8 The parties had different descriptions of the lifestyle they led while married. Sun indicated they lived frugally. Although they lived in the Naperville home for 20 years, they did not make substantial improvements, updates, or repairs. They rarely spent money on activities or nice things. Sun indicated they worked and saved their earnings to pay off the mortgage, save for retirement, and pay 100% of their children's college education expenses. Their marital estate is worth close to \$2 million.

¶ 9 Fanghwa had a different explanation for their frugal lifestyle. He elicited testimony from Sun that the family visited more than 20 countries between 2002 and 2006. Sun told Fanghwa that she won a raffle that entitled them to free vacations. Sun justified her actions, saying that Fanghwa would only do things if they were free; she deserved the vacations and worked very hard. Sun alone handled the couple's finances and required Fanghwa to deposit his earnings into an account she controlled. She kept her earnings separate. Sun accumulated over \$100,000 in debt from the trips she lied about winning. Fanghwa claimed Sun came to him sobbing over this debt. He sold his stock portfolio to pay off the travel expenses. At the time of trial, only Fanghwa had debt totaling less than \$1500. Fanghwa believed he could not get a job post retirement due to his age and criminal record. He also suffered from gout, hypertension, and poor eyesight and hearing. Fanghwa received approximately \$2800 a month from social security and an annuity. He asked the court for maintenance stating, "I think for 30 years of marriage we should be about the same."

¶ 10 The court awarded Fanghwa maintenance. It found he retired due to the threat of termination but that he was of retirement age. The court noted that Sun asked the court to deny maintenance considering the misconduct but noted such behavior is not a statutory factor for consideration. Fanghwa was entitled to retire and not seek future employment, regardless of the

criminal case. Although Fanghwa’s social security and pension payment would have been larger if he had waited to retire, Sun presented no evidence to demonstrate what the payments would have been. The parties were married for many years and supported each other’s careers and lifestyle choices. The court awarded Fanghwa maintenance saying it had “considered all of the statutory factors.” The court ordered Sun to pay Fanghwa \$2735.83 per month permanently. Sun appealed.

¶ 11 ANALYSIS

¶ 12 Sun argues the court abused its discretion in awarding Fanghwa maintenance. She contends the court failed to consider all of the statutory factors when determining whether maintenance was appropriate. Fanghwa disagrees. We review a trial court’s decision regarding the propriety of maintenance for an abuse of discretion. *In re Marriage of Harms & Parker*, 2018 IL App (5th) 160472, ¶ 24. A court abuses its discretion where no reasonable person would have taken the view adopted by the trial court. *Blum v. Koster*, 235 Ill. 2d 21, 36 (2009). It is not our job to reweigh the statutory factors and, absent an abuse of discretion, we will not substitute our judgment for that of the trial court. *In re Marriage of Donovan*, 361 Ill. App. 3d 1059, 1064 (2005).

¶ 13 Under the Illinois Marriage and Dissolution of Marriage Act (Dissolution Act), the court is required to “first determine whether a maintenance award is appropriate, after consideration of all relevant factors, including:

“(1) the income and property of each party, including marital property apportioned and non-marital property assigned to the party seeking maintenance as well as all financial obligations imposed on the parties as a result of the dissolution of marriage;

(2) the needs of each party;

(3) the realistic present and future earning capacity of each party;

(4) any impairment of the present and future earning capacity of the party seeking maintenance due to that party devoting time to domestic duties or having forgone or delayed education, training, employment, or career opportunities due to the marriage;

(5) any impairment of the realistic present or future earning capacity of the party against whom maintenance is sought;

(7) the standard of living established during the marriage;

(8) the duration of the marriage;

(9) the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate, liabilities, and the needs of each of the parties;

(10) all sources of public and private income including, without limitation, disability and retirement income;

(12) contributions and services by the party seeking maintenance to the education, training, career or career potential, or license of the other spouse;

(13) any valid agreement of the parties; and

(14) any other factor that the court expressly finds to be just and equitable.” 750 ILCS 5/504(a) (West 2016).

Sun contends that the “trial court appeared exclusively to focus on the ages of Fanghwa and Sun.” Not so.

¶ 14 Although the trial court noted the parties’ ages in the section awarding maintenance, it highlighted the other relevant statutory factors throughout the order. Fanghwa and Sun were married for 28 years before Sun filed the petition for dissolution. The court assessed the parties’ financial positions, listing the estimated values of the marital properties, retirement assets, and salaries. Fanghwa and Sun maintained a similar lifestyle. Fanghwa kept his spending within the available means. Fanghwa had limited ability to secure future employment, even ignoring the criminal charges and forced retirement. Regardless of the circumstances, Fanghwa had reached the age of retirement and was entitled to stop working. He had worked his entire adult life. Sun had working years ahead of her. Fanghwa was supportive of Sun achieving higher levels of education and succeeding at her job. The court’s focus was not exclusively on Fanghwa’s age. Contrary to Sun’s argument, the court did not create a bright-line test regarding age.

¶ 15 Sun notes that the trial court has discretion in weighing section 504 factors when determining whether maintenance is appropriate; it is likewise not limited to these factors. *In re Marriage of Brankin*, 2012 IL App (2d) 110203, ¶ 10. Sun asks this court to consider Fanghwa’s domestic battery conviction as it relates to his retirement. At trial, the court had a long exchange with Sun’s counsel about Fanghwa’s retirement. The court noted that Fanghwa planned to retire when his last child graduated from college. This event coincided with the date maintenance would begin. Sun did not disagree that Fanghwa planned to retire at that juncture. Regardless of his misconduct, Fanghwa would have retired by the time the court ordered maintenance to begin. Sun presented no evidence as to what Fanghwa’s retirement benefits would have been had he

retired later. Any claims that maintenance would have been less had Fanghwa retired later are unsupported by the record. Fanghwa was already eligible to retire when he did so.

¶ 16 Fanghwa questioned Sun, and Sun admitted that she spent large amounts of money during their marriage under false pretenses. Sun also controlled the couple's finances. Sun justified her actions by saying that she worked hard and deserved the vacations. She lived a lifestyle that included expensive travels. There are irreconcilable differences that broke down the parties' marriage. But Fanghwa made a strong point in saying that they had been married for many years; their lifestyles going forward should be equal. Maintenance is a reasonable means to achieve this balance. The court did not abuse its discretion.

¶ 17 **CONCLUSION**

¶ 18 For the foregoing reasons, we affirm the judgment of the circuit court of Will County.

¶ 19 Affirmed.