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**DISTRICT I/IV**

July 15, 2015

To:

Hon. Karen E. Christenson  
Circuit Court Judge  
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You are hereby notified that the Court has entered the following opinion and order:

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2014AP1774

In re the estate of Dorothy Martha Stephanek: Mary J. Stephanek  
v. Estate of Dorothy Martha Stephanek, by Personal Representative  
James J. Stephanek (L.C. # 2007PR1714)

Before Lundsten, Sherman and Kloppenburg, JJ.

Mary Jane Stephanek, pro se, appeals the judgment closing the probate estate of her mother, Dorothy Martha Stephanek.<sup>1</sup> Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2013-14).<sup>2</sup> We summarily affirm.

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<sup>1</sup> Because several individuals involved in this case share a surname, we refer to them by their first names for clarity.

<sup>2</sup> All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

Dorothy died intestate on September 13, 2007. She was survived by her two adult children, Mary Jane and James Stephanek. James petitioned for formal administration of Dorothy's estate, and the court appointed James as personal representative. In June 2012, James filed a petition to close the estate, along with a proposed final account and inventory. Mary Jane filed a lengthy objection. The circuit court, Judge William Brash III presiding, held a hearing to address the numerous disputes between Mary Jane and James as to the accounting and inventorying of the estate. In March 2013, the court issued an order addressing the disputes and directing James to file a complete and accurate final estate account with supporting documentation.

In April 2013, James filed an amended petition for final judgment and proposed amended final account and inventory. Mary Jane, again, filed a lengthy objection. On April 17, 2014, the circuit court, Judge Karen Christenson presiding, held a hearing to address the disputed account and inventory. The court determined that the estate was insolvent and thus no claims or judgments against the estate would be paid. In June 2014, the court entered a final judgment that closed the estate, assigning the only asset in the estate—a judgment against Mary Jane for \$3,432.05—to James's attorney, John Graettinger.

Mary Jane makes many claims of circuit court error, but fails to develop coherent arguments that apply relevant legal authority to the facts of record. Instead, Mary Jane makes sweeping allegations of wrongful conduct by James, Attorney Graettinger, and the circuit court. "A party must do more than simply toss a bunch of concepts into the air with the hope that either the [circuit] court or the opposing party will arrange them into viable and fact-supported legal theories." *State v. Jackson*, 229 Wis. 2d 328, 337, 600 N.W.2d 39 (Ct. App. 1999). This court need not consider arguments that either are unsupported by adequate factual and legal citations

or are otherwise undeveloped. *See State v. Pettit*, 171 Wis. 2d 627, 646-47, 492 N.W.2d 633 (Ct. App. 1992). While we make some allowances for the failings of parties who, like Mary Jane, appear pro se, “[w]e cannot serve as both advocate and judge,” *Pettit*, 171 Wis. 2d at 647, and we will not scour the record to develop arguments for an appellant, *see Jackson*, 229 Wis. 2d at 337. Here, Mary Jane has failed to develop her arguments legally or to support them factually. Therefore, we affirm the circuit court on that basis.

Although we affirm the circuit court for the reason stated above, we choose to briefly explain why Mary Jane’s arguments, as best we understand them, lack merit. Mary Jane contends that Judge Christenson failed to enforce Judge Brash’s March 2013 order, including directives for James to reimburse the estate for \$2,435.83, increasing the estate’s total assets to \$5,867.88; to list Dorothy’s funeral expenses; and to list all administrative expenses of the estate. Mary Jane argues that, rather than reimburse the estate, James made alterations to the amended final account and inventory to make it appear as though payments had been made, and otherwise disregarded the court’s order. Mary Jane contends that the circuit court erred by accepting James’s amended account and inventory in violation of the March 2013 order. Mary Jane also contends that Judge Christenson improperly entered the final judgment without considering the facts.

At the April 2014 hearing, the circuit court explained that it had reviewed James’s proposed amended final account and inventory and supporting documents, as well as the March 2013 order. The court found that James had complied with the March 2013 order and approved the final account and inventory. We review the circuit court’s factual findings for whether they are clearly erroneous. *See Noll v. Dimiceli’s, Inc.*, 115 Wis. 2d 641, 643, 340 N.W.2d 575 (Ct.

App. 1983). Mary Jane fails to persuade us that the circuit court's factual findings lack support in the record.

Therefore,

IT IS ORDERED that the judgment is summarily affirmed pursuant to WIS. STAT. RULE 809.21.

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*Diane M. Fremgen*  
*Clerk of Court of Appeals*