COURT OF APPEALS
DECISION
DATED AND FILED

April 25, 2000

Cornelia G. Clark
Clerk, Court of Appeals
of Wisconsin

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. *See* WIS. STAT. § 808.10 and RULE 809.62.

No. 99-0816

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT III

IN RE THE MARRIAGE OF:

CHERRIE JUNE FARVOUR,

PETITIONER-RESPONDENT,

V.

GUY K. FARVOUR III,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Brown County: JOHN D. McKAY, Judge. *Affirmed.*

Before Cane, C.J., Hoover, P.J., and Peterson, J.

¶1 PER CURIAM. Guy Farvour III, pro se, appeals an order requiring him to pay a child support arrearage of $5,102 plus interest. He contends that he

should have been credited with direct payments he made to his former wife. We reject his arguments and affirm the order.

¶2 Several years after the parties were divorced, they appeared in Brown County Circuit Court on the issue of child support arrearage. On June 22, 1998, the circuit court set an arrearage of $5,825. A $720 tax intercept was credited, leaving a balance of $5,102. As of November 30, 1998, interest amounted to $1,530.60, resulting in a total arrearage due of $6,632.60.

¶3 Farvour moved the court to consider direct payments made to his ex-wife, and the court ruled that most if not all of the those payments predated the June 1998 ruling and were taken into account when the $5,102 arrearage was established. The court denied Farvour's motion to reduce the arrearage and to eliminate the interest due.[1] It also denied his subsequent motion for reconsideration. Farvour appeals the order denying his motion for reconsideration.

¶4 Farvour argues that the circuit court misinterpreted WIS. STAT. § 767.32 (1997-98)[2] to deny him credit for direct payment.[3] He contends that the court's order should be reversed to give him an opportunity to present documentary evidence showing that he made payments to his former wife.

¶5 Farvour misperceives the basis of the circuit court's ruling. The court ruled that Farvour had previously been credited with the direct payments and that to do so again would result in a double credit. The court stated:

[1] The trial court initially eliminated the interest but later determined that it was without authority to do so.

[2] All references to the Wisconsin Statutes are to the 1997-98 version.

[3] Farvour makes no argument concerning that part of the order requiring interest.

> You have asked me on two occasions to consider the direct payments that you claim to have made [and] there is some evidence you, in fact, did make to the petitioner. Most, if not all of those payments predate the decision by Judge Dilweg and, from what I can tell, whether you agree or not or believe it or not, were taken into account when Judge Dilweg established the arrearage at $5,825.
>
> ….
>
> This Court believes, and I haven't been given anything or had anything presented to me for consideration which would lead me to believe the contrary, that you have received credit to the extent that credit is appropriate for any direct payments made to the petitioner.
>
> ….
>
> That arrearage was established and credit was given for direct payment. Nothing that has transpired since causes me to believe that there is anything here other than an arrearage of principal in the amount of $5,102.

¶6 The circuit court's ruling does not rely on an interpretation of WIS. STAT. § 767.32, but instead on the factual basis before it. We sustain a circuit court's factual findings unless they are clearly erroneous. *See* WIS. STAT. § 805.17(2). Here, Farvour does not challenge the court's factual determination that credit had been previously given for direct payment. Consequently, his argument fails to establish reversible error.

By the Court.—Order affirmed.

This opinion will not be published. *See* WIS. STAT. RULE 809.23(1)(b)5.