

**COURT OF APPEALS
DECISION
DATED AND FILED**

June 7, 2005

Cornelia G. Clark
Clerk of Court of Appeals

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.

Appeal No. 2004AP2033

Cir. Ct. No. 2002CV54

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT III**

BEVERLY J. JOHNSON,

PLAINTIFF-APPELLANT,

V.

DOUGLAS E. JOHNSON,

DEFENDANT-RESPONDENT,

BARBARA L. JOHNSON,

GARNISHEE-RESPONDENT.

APPEAL from a judgment of the circuit court for Douglas County:
GEORGE L. GLONEK, Judge. *Affirmed.*

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

¶1 PER CURIAM. Beverly Johnson appeals a judgment dismissing her action against her former husband, Douglas, and his new wife, Barbara, after a trial to the court. The initial complaint requested garnishment based on a Minnesota judgment for a maintenance arrearage. After amendments to the pleadings, the case was tried on the theory of garnishment based on fraudulent transfer of property to Barbara. The trial court ruled against Beverly on the fraudulent transfer and did not address the initial garnishment based on the Minnesota judgment. On appeal, Beverly argues three issues relating to the initial garnishment theory including the trial court's failure to rule on the claim. Because we conclude Beverly abandoned her initial garnishment claim, we decline to address the issues she raises on appeal.

¶2 Beverly abandoned her garnishment action by her failure to pursue it in the trial court. To properly preserve an issue for appeal, the issue must be brought to the trial court's attention in a manner that focuses on the issue. *See Zeller v. Northrup King Co.*, 125 Wis. 2d 31, 35, 370 N.W.2d 809 (Ct. App. 1985). A party seeking a ruling from the trial court must present an argument with some prominence to alert the trial court to the pending claim. *See State v. Salter*, 118 Wis. 2d 67, 79, 346 N.W.2d 318 (Ct. App. 1984). A claim is deemed abandoned if a party fails to offer argument or evidence to support it. *See Santiago v. Ware*, 205 Wis. 2d 295, 312 n.10, 556 N.W.2d 356 (Ct. App. 1996).

¶3 Beverly presented no evidence at trial regarding the initial garnishment theory and her post-trial brief did not address it. She merely argued applicability of the Wisconsin Marital Property Act, the Uniform Fraudulent Transfers Act and the amount of interest due. The evidence she presented and her

closing arguments did not adequately call the trial court's attention to any issues relating to the initial garnishment claim.¹

By the Court.—Judgment affirmed.

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

¹ Beverly's attorney advised the court that the action was commenced as a garnishment merely as a vehicle to present the actual claim, fraudulent transfer.

