

**COURT OF APPEALS  
DECISION  
DATED AND FILED**

**DECEMBER 16, 1997**

Marilyn L. Graves  
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 § 808.10 and RULE 809.62, STATS.

**No. 97-1866-FT**

**STATE OF WISCONSIN**

**IN COURT OF APPEALS  
DISTRICT III**

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**IN RE THE MARRIAGE OF:**

**CLAUDIA C. KALOUS,**

**PETITIONER-RESPONDENT,**

**v.**

**RICHARD KALOUS,**

**RESPONDENT-APPELLANT.**

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APPEAL from an order of the circuit court for Brown County:  
VIVI L. DILWEG, Judge. *Affirmed.*

Before Cane, P.J., Myse and Hoover, JJ.

PER CURIAM. Richard Kalous appeals a postjudgment order that extended the maintenance award of the divorce judgment for changed

circumstances.<sup>1</sup> On the parties' stipulation, the divorce judgment granted Claudia Kalous \$800 monthly maintenance for a four-year term, in part to help her pursue gainful education at vocational school. The postjudgment order extended the maintenance for a one-year term, at a reduced \$500 monthly rate, to help Claudia complete her education. She had left vocational school and was now pursuing a college education for the purpose of making herself more economically self-sufficient. The trial court had the power to alter stipulated maintenance for changed circumstances, provided the change was just and equitable. *See Fobes v. Fobes*, 124 Wis.2d 72, 80-81, 368 N.W.2d 642, 647 (1985). On appeal, Richard argues that the extension represents an erroneous exercise of discretion and that Claudia was shirking employment at his expense in favor of a more agreeable educational environment. We reject his arguments and affirm the postjudgment order.

The trial court made a discretionary decision, *Poindexter v. Poindexter*, 142 Wis.2d 517, 531, 419 N.W.2d 223, 229 (1988), and extended maintenance in a reasonable manner. First, the trial court extended the maintenance for a worthwhile endeavor to make Claudia economically self-sufficient. Claudia's educational effort was promising and already well toward completion, and we see no indication that she was shirking employment in favor of a more agreeable educational environment. Second, Claudia was experiencing health problems, which created a need for financial assistance. Third, the trial court found that Richard had the earning capacity to continue reduced payments for an additional one-year period. The finding was not clearly erroneous in view of Richard's annual gross wages of \$34,800. Fourth, the award was not excessive

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<sup>1</sup> This is an expedited appeal under RULE 809.17, STATS.

by any measure. It extended maintenance by 25% in terms of the length of the original four-year maintenance award, and 6.9% in terms of the length of the 14.5-year marriage. It was also 37.5% lower than before. The reduced one-year \$6,000 award represented 17.2% of Richard's gross wages and only a 15.6% increase of the original four-year \$38,400 cumulative award. Under the circumstances, the trial court's maintenance extension was just and equitable, and we see no erroneous exercise of discretion.

*By the Court.*—Order affirmed.

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

