

**COURT OF APPEALS
DECISION
DATED AND FILED**

July 14, 2016

Diane M. Fremgen
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. 2015AP329

Cir. Ct. No. 2014SC8714

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

RAY A. PETERSON D/B/A MASTER BUILDERS,

PLAINTIFF-RESPONDENT,

V.

GENE P. GANTA,

DEFENDANT-APPELLANT.

APPEAL from a judgment of the circuit court for Dane County:
JUAN B. COLÁS, Judge. *Affirmed.*

¶1 HIGGINBOTHAM, J.¹ Ray Peterson brought an eviction action against Gene Ganta in small claims court based on Ganta's failure to pay rent for

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(a) (2013-14). All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

December 2014, pursuant to a residential lease. Peterson prevailed at a small claims trial, but the court stayed the entry of judgment. The parties entered into a settlement agreement, Ganta subsequently breached that agreement, and a judgment of eviction was automatically entered. Ultimately, a writ of execution was issued, and Ganta was forced to move out of the residence he rented from Peterson.

¶2 On appeal, Ganta argues that the trial court made two factual findings that were clearly erroneous: that Ganta was to pay the delinquent rent to Peterson by December 17, 2014, when the notice to pay states December 19; and that Ganta paid the delinquent rent after it was due. We reject these arguments because they are insufficiently developed, and in any event, the record supports the court's findings.²

¶3 Ganta spends approximately one-half a page of his appellate brief purportedly arguing the above two issues. Although the issues on this appeal concern factual findings by the court, Ganta fails to support his conclusory arguments with citations to the record or to any legal authority. In short, his very brief arguments are conclusory.

¶4 Regardless, Ganta cannot complain about the trial court finding that the notice to pay set December 17, 2014, as the due date for the delinquent rent. We conducted an independent review of the record. The only testimony that would support this finding came from Ganta himself. As for Ganta's contention

² On March 25, 2016, we ordered that this appeal would be submitted for decision based only on Ganta's brief because, after being advised by this court on January 6, 2016, of the consequences of not filing a response brief, Peterson failed to file a brief.

that the court erroneously found that Ganta failed to timely pay the delinquent rent, Ganta testified that the notice to pay required payment by December 17 and Ganta conceded during his testimony that Peterson did not receive the rent in the mail until December 20. Based on the deadline set by the notice to pay by December 19 and Ganta's testimony that Peterson did not receive the rent until December 20, we conclude that the court's finding that Ganta failed to timely pay his delinquent rent is not clearly erroneous. Accordingly, we affirm.

By the Court.—Judgment affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)4.

