

No. 95-2260

STATE OF WISCONSIN

IN COURT OF APPEALS
DISTRICT III

In re the Marriage of:

PATRICIA FROSTMAN,

Petitioner-Respondent,

v.

ERRATA SHEET

KENNETH R. FROSTMAN,

Respondent-Appellant.

Marilyn L. Graves
Clerk of Court of Appeals
231 East, State Capitol
Madison, WI 53702

Peg Carlson
Chief Staff Attorney
119 Martin Luther King Blvd.
Madison, WI 53703

Court of Appeals District I
633 West Wisconsin Ave.
Milwaukee, WI 53203

Court of Appeals District II
2727 N. Grandview Blvd.
Waukesha, WI 53188-1672

Jennifer Krapf
Administrative Assistant
119 Martin Luther King Blvd.
Madison, WI 53703

Court of Appeals District IV
119 Martin Luther King Blvd.
Madison, WI 53703

Hon. Norman L. Yackel
Ashland County Courthouse
Ashland, WI 54806-1688

Jack A. Carlson
122 W. Bayfield St.
Washburn, WI 54891

Matthew F. Anich
220 Sixth Ave., West
Ashland, WI 54806

PLEASE TAKE NOTICE that the attached page 6 is to be substituted for page 6 in the above-captioned opinion which was released on February 27, 1996.

Dated this 21st day of December, 2006.

We further conclude that the court's silence with respect to the effect of the property division and Patricia's income generating assets is not reversible error because the court effectuated an equal property division and both parties were awarded income generating liquid assets. The divorce judgment shows that Kenneth was awarded two IRA's valued at \$7,061 and \$18,340 respectively, as well as two bank accounts valued at \$5,434 and \$10,640 respectively. In addition, Patricia was ordered to pay Kenneth cash to balance the property division in the sum of \$5,025.50. Although Patricia received \$12,000 in savings bonds not subject to division, Kenneth does not tell us what income this asset is capable of generating. In addition, Patricia's receipt of \$100 per month from each of her sons was offset by the expense of household groceries. Because the maintenance determination reflects a reasonable exercise of discretion, we sustain it on appeal.

Next, Kenneth argues that the trial court misused its discretion when it awarded Patricia the residence. He does not dispute that the property division was equal, but contends that his reasons for desiring the house were more compelling than Patricia's. For example, he argues that he built the house himself and has emotional and practical reasons associated with retirement activities and his disability. He argues that the trial court erroneously premised its decision on the erroneous finding that his sister lives next door to the Iron River cabin. He states that his sister owns the cabin next door but does not live there. He further contends that Patricia's reasons for wanting the house, relating to her now deceased mother and social and