

**COURT OF APPEALS
DECISION
DATED AND FILED**

November 21, 2007

David R. Schanker
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. 2007AP615

Cir. Ct. No. 2004FA3

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

IN RE THE MARRIAGE OF:

NANCY J. WERTTI,

PETITIONER-APPELLANT,

V.

JOHN S. WERTTI,

RESPONDENT-RESPONDENT.

APPEAL from the judgment of the circuit court for Adams County:
CHARLES A. POLLEX, Judge. *Affirmed.*

Before Dykman, Vergeront and Lundsten, JJ.

¶1 PER CURIAM. Nancy Wertti appeals the judgment divorcing her from John Wertti. The trial court reduced her share of the marital property

division by the value it assigned to a veterinary degree Nancy earned during the marriage. The issue on appeal is whether the trial court properly treated the degree as a marital asset. We affirm.

¶2 The parties married in 1988. Nancy entered veterinary school in 1991 and obtained her degree in 1995. At the time of the property division trial in 2006 she practiced veterinary care three days per week, earning \$3150 per month. John earned \$3231 per month from his full time job.

¶3 The trial court concluded that Nancy's degree was an asset of the marriage worth \$81,511. The court calculated that sum by adding Nancy's tuition and other educational costs to her reduced employment income while she attended veterinary school. The means by which the court valued the asset is not at issue; Nancy acknowledges that the cost and lost income is an approved means of determining the value of an educational asset, and does not challenge the court's calculation of those sums. Instead, Nancy contends that the court erred by placing any value at all on the degree, because there was no evidence that the degree will increase her postdivorce earnings or earning capacity. In effect, Nancy argues that she is no better off for having her degree, and therefore should not have to compensate John for having earned it during the marriage.

¶4 A supporting spouse is entitled to fair compensation for the contribution to the other spouse's education. *Haugan v. Haugan*, 117 Wis. 2d 200, 211, 343 N.W.2d 796 (1984). In determining the appropriate compensation the guiding principles are fairness and justice. *Id.* at 214. A reviewing court will uphold the resulting award if it is the result of an articulated reasoning process, based on facts of record and the appropriate legal standards, and not excessive or inadequate under the circumstances. *Id.* at 215.

¶5 The trial court appropriately determined that Nancy's degree was a marital asset. The record does not support Nancy's contention that the degree has no postdivorce effect on her earnings or earning capacity, and therefore provides her with no financial benefit. In her last full year of work before she entered school she earned \$20,485. At the time of the divorce she earned \$3150 per month, as a veterinarian, working only three days a week. From that fact alone, the inference is available, if not unavoidable, that the degree has enhanced Nancy's ability to support herself. In other words, the record demonstrates that the degree remains a valuable asset obtained during the marriage, and therefore subject to the marital property division.

By the Court.—Judgment affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)5. (2005-06).

