2013 IL App (3d) 120181-U

Order filed February 11, 2013

IN THE

APPELLATE COURT OF ILLINOIS

THIRD DISTRICT

A.D., 2013

COUNTY OF KNOX,	)	Appeal from the Circuit Court
	)	of the 9th Judicial Circuit,
Plaintiff-Appellant,	)	Knox County, Illinois,
	)	
v.	)	Appeal No. 3-12-0181
	)	Circuit No. 09-CH-116
TERRY BELL,	)	
	)	Honorable James B. Stewart,
Defendant-Appellee.	)	Judge, Presiding.

JUSTICE SCHMIDT delivered the judgment of the court.
Justices Carter and O'Brien concurred in the judgment.

ORDER

¶ 1 *Held*: The trial court's finding that the subject property had been used as a junkyard prior to the adoption of the 1967 zoning resolution was not against the manifest weight of the evidence. The trial court's finding that the petition to rezone the subject property did not constitute discontinuance or abandonment of a nonconforming use was not clearly erroneous, and the trial court did not abuse its discretion in admitting certain defense exhibits into evidence. Affirmed.

¶ 2 On September 18, 2009, the plaintiff, County of Knox (hereinafter the County), filed a petition for injunction in the circuit court of Knox County, alleging that defendant, Terry Bell, operated a junkyard on the subject property in violation of the Knox County Zoning Resolution.

¶ 3 Following a two-day bench trial, the trial court denied the County's petition for an injunction, finding that the County failed to demonstrate that the junkyard operating on the subject property was in violation of the zoning resolution as it existed as a legal nonconforming use prior to the zoning change in 1967.

¶ 4 The County appeals, claiming, *inter alia*, that there is no evidentiary basis for the trial court's finding that defendant's current use of the property as a junkyard constitutes a legal nonconforming use, and that the trial court erred in its interpretation and application of the provisions of the Knox County Zoning Resolution.

¶ 5 BACKGROUND

¶ 6 The defendant, Terry Bell, owns the real property located at 509 Cline Road, Abingdon, Knox County, Illinois. The defendant purchased the subject property in 1995 and admitted that since that time, he has continually operated and maintained a junkyard on the property. Pursuant to the current Knox County Zoning Resolution that was adopted January 11, 1967, a "junkyard" is defined as "any land or structure used for a salvaging operation, including, among other things, the storage and sale of waste paper, rags, scrap metal and discarded materials, and the collecting, dismantling, storage, and salvaging of unlicensed, inoperative vehicles." The operation of a junkyard is not a permitted used under either the "R" – Rural Residential zone or the "B-2" – Highway Business District zone. The proper zoning classification for a junkyard is "M-2" – Heavy Industrial.

¶ 7 The property is currently zoned as "B-2" – Highway Business District, and has been zoned as such since December 13, 1967, when the Knox County board of supervisors approved a petition amending its zoning classification from "R" – Rural Residential to "B-2".

¶ 8 Prior to the defendant's ownership, Fred Cline had continuously owned the three lots that comprise the subject property since the 1950s. The parties disagree as to the exact nature of the businesses Fred Cline was running when he owned the property, but there is no dispute that he did own and operate a fertilizer business known as Cline's Soil Service. As noted above, the Knox County board of supervisors approved a new, comprehensive zoning resolution in January of 1967. It created seven types of districts, and explicitly states that all uses not expressly permitted within a particular district are prohibited. The new zoning resolution designated Fred Cline's property as single family residential under the "R" – Rural Residential zoning classification. Prior to this zoning resolution, the subject property had been used for approximately 15 years for industrial purposes.

¶ 9 On August 25, 1967, Fred Cline filed a petition requesting that the zoning resolution be amended to change the zoning classifications of his lots from "R" to "B-2." In the petition, Cline indicated that he operated a fertilizer business on the property and the proposed use was just an expansion of the same. The board of supervisors addressed Cline's petition at two public hearings held on September 27 and 28, 1967. Cline spoke on his own behalf, explaining that he was requesting a zoning classification change because he wished to expand his existing fertilizer business by constructing a warehouse for the storage of dry fertilizer, but was unauthorized to do so because he was currently operating as a nonconforming use. On December 13, 1967, the board of supervisors granted Cline's petition and reclassified his property from "R" – Rural Residential to "B-2" – Highway Business. Terry Bell bought the subject property in either 1995 or 2000, and acknowledges that he is operating a junkyard, but claims that the property had long been used for that purpose prior to his ownership and, thus, his is an existing nonconforming use.

¶ 10 On September 28, 2009, the County filed an action for injunctive relief, seeking to permanently enjoin the defendant from continuing to operate a junkyard on his property in violation of the County's zoning resolution. The two-day bench trial commenced on September 29, 2011, and concluded on December 29, 2011. Both parties offered numerous witnesses to testify to the previous use of the subject property.

¶ 11 The first of the County's six witnesses was Robert Masterson, who served as the Knox County zoning administrator from March 1967 until December 2001. Masterson's responsibilities as administrator included enforcement of the zoning resolution, as well as serving as secretary of the zoning board of appeals and preparing and keeping minutes of all public hearings held by the zoning board. As such, he would have been aware of all zoning violations or complaints with respect to a particular property during his tenure. Masterson testified that when a petition for reclassification was filed, such as the one filed by Fred Cline, he was responsible for conducting an onsite inspection of the property to determine its present use and preparing a field inspection report for the board of supervisors.

¶ 12 Masterson personally performed the onsite inspection of Fred Cline's property and prepared the corresponding report to present to the zoning board at the September 27, 1967, public hearing. Masterson was present at both hearings and kept the minutes for each. According to Masterson, during his onsite inspection he determined the present use of Cline's property was as a fertilizer sales and service business. He further testified that he did not notice any type of salvaging operation or vehicle crushers during his onsite inspection of the property, and if he had, he would have noted it in his report. Finally, Masterson testified that there was no mention of any salvaging or junking operation being conducted on Cline's property at the

September 28, 1967, public meeting, as it was not recorded in the meeting minutes.

¶ 13 On cross-examination, Masterson acknowledged that he had no independent recollection of the inspection or the hearing and was relying on notes and minutes. He admitted it was possible that vehicles were junked on the property, but he was not aware of any during his visit to the site. Furthermore, Masterson admitted that his report to the county board was inaccurate to the extent that he represented the prior use of the property was light industrial. Masterson acknowledged that the property previously housed a sawmill and a brickyard, that those were not light industrial uses and it was incorrect for the use to be labeled as such.

¶ 14 In its brief, the County summarized the testimony of the remaining five witnesses as generally stating that Fred Cline operated his fertilizer business on the subject property and it was not until recently (after the adoption of the zoning resolution) that the junkyard was operated there.

¶ 15 Defense counsel called Tammy Klingler as his first witness. Klingler lived in the Abingdon area, and specifically on the property abutting defendant's, since November of 1993. She stated that since the time she and her family moved to Abingdon, the subject property was a junkyard. She also stated that her ex-husband used to go to the property owned by defendant to buy parts to fix his car. Klingler had no knowledge of the property's previous use or prior owners.

¶ 16 The defense called Sheila Jo Day, an Abingdon resident for nearly 65 years, as his next witness. At the time of the hearing, Day was employed as the county clerk. Day testified that since the time she was a small child and as far back as she could remember, the property had been used as a junkyard, dump, *et cetera*. She recalled that people in the community would take

their trash to the property to be burned and, over the years, she had seen appliances, cars and junk dumped.

¶ 17 Charles Baker testified that he had gone to school in Abingdon. In 1955 and 1956, when he was seven and eight years old, his father would take him behind the city dump to shoot rats. Baker recalled that when he was 15 or 16 years old, he would go to Fred Cline's property to buy starters or generators for cars. He bought parts from the junkyard until he left for the military in 1968. Baker further testified that when he returned from the service in 1973, he worked in body shops in the area and would go out to the [subject] property and get used parts off of cars. He bought parts from Fred Cline in 1965, 1966 and 1967. Baker also stated that inoperable cars were on the property since the 1960s.

¶ 18 Hugh Allison moved to Abingdon in 1944 and left the area in 2005. Allison testified that as a teenager, he would go to Cline's property to buy starters or batteries. At one time, he bought a windshield out of an old pickup truck. As far as he can remember, there have always been cars and tractors sitting around the area.

¶ 19 Eugene Swank testified that he lived in Abingdon on and off for 40 years and would buy and sell parts to Fred Cline. Specifically, Swank testified that he sold a 1945 Plymouth to a Mr. McDermott in 1964. McDermott was running the junkyard on the Cline property at that time. A copy of the title for the vehicle and an application for a certificate of junking accompanied the sale and the defense moved to submit these documents into evidence. The trial court admitted the documents over the County's objection.

¶ 20 George Waugh, Jr., also testified on behalf of the defendant. Waugh owned the property adjacent to Fred Cline's property from 1977 until 1987, after which time he conveyed the

property to Gaylan Bell, the defendant's father. Waugh stated that he owned and operated Waugh's Garage and Towing and used the plot of land adjacent to Cline's to store salvage cars and other junked cars from wrecks. Waugh testified that while Cline's primary business was agricultural in nature and involved selling fertilizer, Cline also had junk cars on the property. To Waugh's recollection, Cline kept junked vehicles on his property the entire time Waugh operated his business on the adjacent parcel of land. Waugh never saw a car crusher on Fred Cline's property.

¶ 21 Larry Larkins, Jr., testified that he and Gaylan Bell purchased Waugh's property in the late 1980s and ran a salvage business there until the early 1990s. According to Larkins, Waugh ran a salvage operation on the property when he owned it; he and Gaylan Bell continued to run a salvage operation after purchasing it. Larkins further stated that Terry Bell took over after he left, continuing to run the salvage operation and that Terry "never skipped a beat." Larkins was also familiar with Fred Cline and testified that in addition to the fertilizer business, Cline had a scrap yard on the property.

¶ 22 The defendant, Terry Bell, testified last. Bell stated that he bought the subject property in either 1995 or 2000 and, at the time it was purchased, the property was used as a junkyard and a dump. Bell recalled that at the time he took possession of the property, there were junk automobiles everywhere—roughly six to eight complete cars, two to three cars that were cut in half and a building full of car parts. There were also cars buried on the property dating back to the 1950s and 1960s. He was able to match the VIN tags of these automobiles to the junking titles that were kept on the property by former owners (including Fred Cline). Over the course of Bell's testimony, the defense admitted into evidence a number of photographs depicting the

condition of the property in the 1980s and early 1990s. All of these photographs displayed junking and salvaging operations being conducted on the original property. The property was subdivided in 1993, such that all the different plots had different owners. Bell also produced Fred Cline's steel book, which included Cline's records for storage of inoperable vehicles, as well as junking titles dating from 1956 to 1964. The titles were on the property when Bell purchased it. The County objected to the introduction of the steel book and junking titles as evidence on foundation and hearsay grounds. The exhibits were admitted over the County's objection. Bell further testified that he had personal knowledge of the operations on Fred Cline's property. As a teenager, Bell worked for Marvin McDermott and Fred Cline, crushing cars and hauling them to Peoria.

¶ 23 At the conclusion of the two-day bench trial, the trial court denied the County's petition requesting issuance of an injunction to permanently enjoin and restrain the defendant from operating, keeping and maintaining a junkyard on the subject property. The County filed a motion to reconsider, claiming that the trial court misapplied existing law. The trial court denied the County's motion. This timely appeal followed.

¶ 24 ANALYSIS

¶ 25 As an initial matter, we note that defendant stipulated to the fact that he was, and continues to be operating a junkyard as defined by section 3.135 of the Knox County Zoning Resolution on the subject property. The defendant further acknowledges that the operation and maintenance of a junkyard in a "B-2" Highway Business District zone violates the Knox County Zoning Resolution, as it is neither a permissive nor conditional use. However, defendant asserts in his affirmative defense that his operation and maintenance of a junkyard on the subject

property constitutes a legal nonconforming use that was in existence prior to the adoption of the 1967 Knox County Zoning Resolution.

¶ 26 I. Existence of a Junkyard Prior to the 1967 Zoning Resolution

¶ 27 The County's argument, when distilled to its most simple terms, is that the trial court's finding (that the subject property's use as a junkyard predated the 1967 zoning resolution) lacked an evidentiary basis and, thus, the property's current use as a junkyard could not constitute a legal nonconforming use.

¶ 28 A trial court's decision following a bench trial will not be reversed unless it is against the manifest weight of the evidence. *City of Marengo v. Pollack*, 335 Ill. App. 3d 981, 986 (2002). In close cases, where findings of fact depend on the credibility of witnesses, it is particularly true that a reviewing court will defer to the findings of the trial court unless they are against the manifest weight of the evidence. *Eychaner v. Gross*, 202 Ill. 2d 228, 251 (2002). A decision is against the manifest weight of the evidence when the opposite conclusion is clearly apparent or when findings appear to be unreasonable, arbitrary, or not based on the evidence presented. *City of Marengo*, 335 Ill. App. 3d at 986; *Samour, Inc. v. Board of Election Commissioners of City of Chicago*, 224 Ill. 2d 530, 544 (2007).

¶ 29 "A legal nonconforming use is a nonpermitted use under currently applicable zoning ordinances which predates the applicable zoning ordinance and is legalized on that basis." (Internal quotation marks omitted.) *Bainter v. Village of Algonquin*, 285 Ill. App. 3d 745, 750-51 (1996) (quoting *Littejohn v. City of North Chicago*, 259 Ill. App. 3d 713, 720 (1994)) ("A use which was not lawful at its inception is not a legal nonconforming use and, thus cannot be protected from elimination for violation of present zoning ordinances."). *Id*. at 751; see also

Welch v. City of Evanston, 87 Ill. App. 3d 1017, 1022 (1980). The burden of proof is upon the party asserting a right to a nonconforming use to establish the lawful and continued existence of the use at the date of the enactment of the zoning laws pertaining to it. *Taylor v. Zoning Board of Appeals of the City of Evanston*, 375 Ill. App. 3d 585 (2007).

¶ 30 In the instant case, we find the County's reliance on *Village of Burr Ridge v. Elia*, 65 Ill. App. 3d 827 (1978), is misplaced. In *Elia*, the defendants utilized the subject property primarily for farming until approximately 1928, when the defendants began a small landscaping operation. *Id*. at 829. At that time, the equipment stored on the property included normal farming implements, a horse or tractor-drawn road scraper and a portable cement mixer, which was previously used in the family cement block business. *Id*. Beginning in the late 1940s or early 1950s, however, the defendant, Norman Elia, engaged in a road paving business. That operation utilized two dump trucks, a tractor, grader and disc plows. DuPage County's applicable zoning ordinance was adopted in 1935. *Id*. The parties stipulated that at no time from 1935 to present was defendants' present use of the property one permitted under the ordinance. *Id*. Following a bench trial, the trial court found that the defendants' use of the property predated the zoning ordinances of the county and village and thus was a legal nonconforming use.

¶ 31 On appeal, the defendants argued that the character of their business as it affected the subject property, *i.e.*, vehicular storage and maintenance, had remained the same and was in existence prior to the 1935 zoning change. *Id*. This court reversed the trial court's finding that the use of the property constituted a legal nonconforming use, noting that the defendants' substantial road paving business was not established until 1950, 15 years after the 1935 zoning ordinance was adopted and, thus, there was no evidentiary basis for the trial court's finding.

¶ 32 Unlike *Elia*, the situation before us in this case is one of highly contested facts. The defendant offered eight witnesses, all of whom had contact with the subject property at one point or another and testified to its use as a junkyard. The defendants in *Elia* presented no such conflicting testimony that would call into question the use of their property prior to the 1935 zoning ordinance. Quite to the contrary, the court's opinion did not reference any evidence that cast doubt on the fact that the defendants' paving business did not come into existence years after the 1935 zoning ordinance was passed.

¶ 33 The defendant offered the testimony of Sheila Jo Day and Hugh Allison, both of whom were Abingdon residents prior to the enactment of the 1967 zoning resolution. Day's testimony was that as a little girl, she remembered taking her trash to the dump on Fred Cline's property and there was always a burning pile of trash there. While the County points to Masterson's testimony that there were no junked vehicles on the property at the time of inspection, that statement is contradicted by Allison's testimony that he visited the property to buy spare parts, such as batteries, starters and old windshields. Charles Baker's testimony further helped to reinforce the theory that a junkyard had been in operation on the subject property prior to the Knox County Zoning Resolution of 1967. Baker testified to buying parts from Fred Cline himself in 1965, 1966 and 1967, and that junk cars were on the property throughout the 1960s.

¶ 34 The County argues that the testimony of Robert Masterson, when considered contemporaneously with the official minutes, reports and findings made by the board of supervisors in regard to Fred Cline's August 1967 petition, was overwhelming evidence that the junkyard the defendant is currently operating was not a use in existence when the zoning resolution was adopted in 1967. We disagree. While Masterson's testimony provided some

evidence that would call into question whether Cline was operating a junkyard on the property prior to 1967, it was not uncontroverted. Masterson admitted on cross-examination that his report to the board was inaccurate and that his recollection was being refreshed from the report and his notes, not memory. The mere fact that Masterson did not include any information about a junkyard in his report is not conclusive evidence that a junkyard was not in existence prior to 1967.

¶ 35 The evidence presented was conflicting, and the trial court, upon due consideration, found that the evidence weighed in favor of defendant. As the reviewing court, it is not within our purview to attempt to adduce the credibility of the witnesses' testimony from the record. Indeed, both parties agree that the trial court is in a superior position to determine and weigh the credibility of the witnesses, observe the witnesses' demeanor and resolve conflicts in testimony. *In re Estate of Lambrecht*, 375 Ill. App. 3d 865, 871 (2007). There was clearly an evidentiary basis to support the trial court's finding that the subject property's prior use was as a junkyard, and accordingly, its determination that it constituted a legal nonconforming use was not against the manifest weight of the evidence.

¶ 36 II. Status of the Subject Property Pursuant to the Zoning Resolution of 1967

¶ 37 The County's second argument is couched in much the same terms as the first, *i.e.*, the trial court erred in finding that the subject property had continually been used as a junkyard since the adoption of the 1967 zoning resolution. The County's argument is two-fold: (1) that the nonconforming use of the property was abandoned when Fred Cline petitioned to have his property rezoned under the new resolution; and (2) that the nonconforming use of the property was automatically terminated after five years per the terms of the zoning resolution. However,

the County would have us apply an entirely different standard of review, asserting that the trial court's application of law to the facts was in error and, thus, *de novo* review is required.

¶ 38 In support of this contention, the County cites to *Village of Plainfield v. American Cedar Designs, Inc.*, 316 Ill. App. 3d 130, 135 (2000), which states that a reviewing court need not defer to the decisions of the trial court on questions of law such as the interpretation of a village ordinance. However, despite the County's insistence, this is not an application of the law to set of clear cut, uncontroverted facts. The analysis of whether the nonconforming use was discontinued or abandoned is a question based in fact, and the application of the zoning ordinance is a question of law. See *Monahan v. Village of Hinsdale*, 210 Ill. App. 3d 985, 993 (1991). As such, the correct standard of review is clearly erroneous. *Zeitz v. Village of Glenview*, 304 Ill. App. 3d 586, 592 (1999) (when faced with an issue presenting a mixed question of law and fact, we [the reviewing court] must consider the matter according to the clearly erroneous standard of review). A mixed question of law and fact, for purposes of the clearly erroneous standard, is one involving an examination of the legal effect of a given set of facts. *AFM Messenger Service, Inc. v. Department of Employment Security*, 198 Ill. 2d 380, 391 (2001).

¶ 39 Stated another way, a mixed question is one "in which the historical facts are admitted or established, the rule of law is undisputed, and the issue is whether the facts satisfy the statutory standard, or *** whether the rule of law as applied to the established facts is or is not violated." (Internal quotation marks omitted.) *Id*. (citing *Pullman-Standard v. Swint*, 456 U.S. 273, 289 n. 19 (1982)); see also *Orland Fire Protection District v. Intrastate Piping & Controls, Inc.*, 266 Ill. App. 3d 744, 749 (1994) (when presented with mixed question of law and fact, appellate court

must defer to trial court on actual findings of fact unless against the manifest weight of the evidence and must engage in its own independent analysis to resolve questions of law relating to application of facts to legal construction of written instrument). Thus, the trial court's determination will be reversed only if we are left with the definite and firm conviction of an erroneous finding. *Dargis v. Paradise Park, Inc.*, 354 Ill. App. 3d 171, 177 (2004).

¶ 40 A. Abandonment of Nonconforming Use

¶ 41 The County asserts that any nonconforming use of the property was abandoned when Fred Cline petitioned to have the property rezoned from "R" to "B-2" and the petition was subsequently approved by the board of supervisors in December 1967. We disagree.

¶ 42 To constitute abandonment of a legal nonconforming use, it must appear that there is an intent to abandon the use and the mere cessation of the use will not, *per se*, result in a loss of the right to resume such a use. *Village of Plainfield v. American Cedar Designs, Inc.*, 316 Ill. App. 3d at 137. There must be voluntary conduct carrying the implication that the owner intended to abandon the use. *Id.*; see also *McCoy v. City of Knoxville*, 41 Ill. App. 2d 378, 384-85 (1963).

¶ 43 The County focuses on Fred Cline's petition to have the subject property rezoned from "R" to "B-2," and that somehow this petition, and the board's subsequent approval, manifested Cline's intent to abandon whatever junking and/or salvaging operation may have been occurring on that property beforehand. The County asserts that the approval of the petition, coupled with the fact that Cline failed to mention any salvaging operation on the property at the public hearings, indubitably evidenced abandonment of the nonconforming use.

¶ 44 The County's conclusion that Cline wished to cease all salvaging operations is speculative at best. The rezoning of his property from "R" to "B-2" shows only that Cline recognized that his

expanding fertilizer business could have been shut down if he failed to petition the board for a new designation. Indeed, the zoning resolution contains a specific provision that provides for the regulation of nonconforming uses. Pursuant to section 5.1201, "[i]n the 'C' Conservation and 'R' Rural Residential Districts, where open land is being used as a non-conforming use, and such use is the principal use and not accessory to the main use conducted in a building, such use shall be discontinued not later than five years from the date of passage of this Resolution. During the five-year period, such non-conforming use shall not be extended or enlarged, either on the same or adjoining property."

¶ 45 In light of that language, if Cline's property remained zoned as "R" Rural Residential, after five years his nonconforming fertilizer business would have been terminated and, during that time period, would not have been allowed to expand. His nonconforming salvage business and junkyard would likewise suffer the same fate. It is not a stretch to imagine that Cline had his eye on maintaining both the fertilzer and slavage businesses on the property. His petition for rezoning did not say that the fertilzer business was the exclusive use of the property.

¶ 46 It also bears mentioning that the proper zoning classification for a junkyard is "M-2" Heavy Industrial. The County's implication that Cline's failure to petition to rezone his property to "M-2" (which would encompass both of his businesses) demonstrates an intent to abandon the nonconforming use is also speculative. Cline may have feared that petitioning to rezone his property as heavy industrial, which provides for the storage and/or use of noxious chemicals, would have resulted in an outright denial to rezone by the board of supervisors further resulting in the loss of both of his businesses. Likewise, we find the fact that the board approved the petition and that Cline failed to mention the junkyard at the hearings are not dispositive of the

question of whether or not he intended to abandon that enterprise.

¶ 47 B. Automatic Termination of the Nonconforming Use

¶ 48 The County advances the additional proposition that even if there was no abandonment, the nonconforming use must terminate after five years in accordance with the terms of the resolution. For the reasons outlined in the preceding paragraphs, the County's argument that the nonconforming use of the property as a junkyard was automatically terminated pursuant to section 5.1201 of the zoning resolution is without merit. While we agree with the premise and case law that a governmental body may restrict a nonconforming use as may be necessary for public health, safety, comfort, or welfare (*Taylor v. Zoning Board of Appeals of the City of Evanston*, 375 Ill. App. 3d at 593), section 5.1201 is inapplicable to the case before us now.

¶ 49 What the County fails to mention in its brief is that section 5.1201, as set forth above, applies only to "C" Conservation and "R" Rural Residential districts. The subject property is neither. In 1967, the properties rezoned to "B-2" Business Highway District, which is not subject to the five-year limitation. Accordingly, we find the trial court's determination that the legal nonconforming use was neither abandoned nor terminated was not erroneous.

¶ 50 III. Evidentiary Rulings

¶ 51 Finally, the County asserts that the trial court erred in admitting defendant's exhibit Nos. A-5, A-6 and 34 over its objection. The admission of evidence is within the sound discretion of the trial court and its ruling should not be reversed absent a clear showing that it abused its discretion. *Benak v. Duffy*, 365 Ill. App. 3d 711, 723-24 (2006) (citing *People v. Thomas*, 171 Ill. 2d 207, 215 (1996)).

¶ 52 The County fails to advance a cogent argument, or cite to any authority for its position

that defendant's exhibits were admitted in error. Instead, it describes the exhibits, and then defines hearsay pursuant to Ill. R. Evid. 801(c) (eff. Jan. 1, 2011). There is no argument as to why these documents constitute hearsay or that they were admitted for a hearsay purpose. Illinois Supreme Court Rule 341(h)(7) (eff. July 1, 2008) provides that the argument section of an appellant's brief "shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on." Arguments that do not comply with Rule 341(h)(7) do not merit consideration on appeal and may be rejected by this court for that reason alone. *In re Marriage of Hendry*, 409 Ill. App. 3d 1012, 1019 (2011); see also *Housing Authority of Champaign County v. Lyles*, 395 Ill. App. 3d 1036, 1040 (2009). Thus, we decline to address this issue.

¶ 53 CONCLUSION

¶ 54 For the foregoing reasons, the judgment of the Knox County Circuit Court is affirmed.

¶ 55 Affirmed.