

No. 1-07-0088

We note that this case was tried before the bench, and therefore enjoys a presumption that the trial judge knew the law and followed it accordingly. See Yancy, 368 Ill. App. 3d at 386. Defendant has failed to direct us to any evidence in the record to overcome the presumption that the trial judge followed the law and disregarded any possible hearsay evidence. We have thoroughly reviewed the record, and find that it is unclear for what purpose these letters were entered into evidence. Plaintiff's proposed bystander's report gives no indication why the parties offered them as evidence, nor why the court allowed them into evidence. Absent evidence to the contrary, we presume the trial court acted according to the law. See Gilmore, 237 Ill. App. 3d at 754. On this record, therefore, we find no abuse of discretion by the trial court. Jura, 352 Ill. App. 3d at 1085.

The Odometer Act

Next, plaintiff contends that the trial court applied the incorrect legal standard with respect to plaintiff's claim under the "Odometer Act." Specifically, both parties agree that the trial court included the element of "intent to defraud" in rendering its verdict in favor of defendant. However, plaintiff disputes that this element was the correct legal standard.

Under the Illinois Odometer Act, a transferor who makes inaccurate or untruthful statements with regard to the odometer mileage upon title transfer with the intent to defraud may be subject to liability for damages to the transferee. 625 ILCS 5/3-112.1(e) (West 2004); see also Jim M'Lady Olds, Inc. v. Secretary of State of Illinois, 162 Ill. App. 3d 959, 963 (1987). Whether the trial court applied the correct legal standard is a question of law which we review *de novo*. A.C.&S. v. Industrial Commission, 304 Ill. App. 3d 875, 879 (1999).