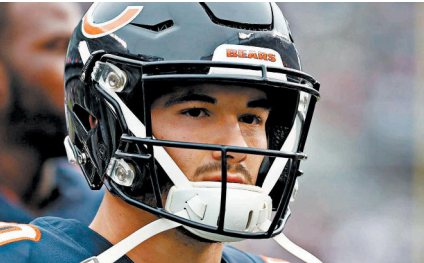


CHICAGO SPORTS



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REAL ESTATE

Horrors at closing

Hidden fees, stolen money and missing permits can haunt your home purchase.

Final

Chicago Tribune



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SUNDAY, OCTOBER 27, 2019

BREAKING NEWS AT CHICAGOTRIBUNE.COM

Legislative session to start under a cloud

Corruption probe ongoing, Chicago budget woes loom

BY DAN PETRELLA, GREGORY PRATT AND JAMIE MUNKS

After passing a number of transformational laws last spring — from cementing women's abortion rights to legalizing recreational pot — the General Assembly returns to action this week under the cloud of an ongoing federal corruption probe and facing pressure from Chicago Mayor Lori Lightfoot for help in plugging her city's \$838 million budget hole.

Looming over all the action this fall is a series of political corruption scandals that have occupied much of almost the past year from Chicago to the statehouse and touched on a number of high-profile Springfield players, from utility giant ComEd and its army of lobbyists to influential state Sen. Martin Sandoval and the ultimate powerbroker, Illinois House Speaker Michael Madigan. Whether they are all connected remains unclear, but Chicago Ald. Edward Burke is the only elected official charged with wrongdoing.

At the same time, Gov. J.B. Pritzker is pushing legislators to begin addressing soaring public pension debt as they gather for the first half of their scheduled six-day fall veto session. The governor is calling for lawmakers to pass legislation that would consolidate roughly 650 pension funds for suburban and Downstate police and firefighters into two statewide investment pools.

Lightfoot has a lot riding on the veto session, which will serve as a major test of her influence in Springfield. When she unveiled her budget plan at a special City Council meeting Wednesday, Lightfoot

Turn to **Session**, Page 14



JOSE M. OSORIO/CHICAGO TRIBUNE

Volunteer Jim Whitenack takes Thelma for a walk as Louise looks on at Chellberg Farm in Indiana Dunes National Park.

‘WHAT WE NEED IS MORE GOATS’

Indiana Dunes National Park lets animals mow down problem plants

BY MORGAN GREENE

Scattered throughout the fiery autumn foliage at Indiana Dunes National Park are green patches of Asiatic bittersweet, its yellow-orange fruit soon to split open with red berries, lending a holiday look to the woods.

But this invasive plant is better suited to “Little Shop of Horrors” than any Christmas story.

Its snaking vines can climb at a rapid

pace, enveloping and choking trees, and killing off plants below — a grim threat in one of the country's most biodiverse national parks where native species thrive.

Chemical sprays and controlled burns have been deployed against invasive plants at the park for years. Now America's newest national park is turning to the unique talents of Thelma and Louise, goat half sisters who were tasked this past summer with eating as much as they could in an overrun section where

tangles of the woody bittersweet are as big as a fist.

Thelma and Louise worked out so well they could be back at the dunes next year, maybe with some reinforcements.

“They were good company,” said Geof Benson, executive director of the Dunes Learning Center, which cared for the animals over the summer. “I think what we need is more goats.”

Thelma and Louise are part of a

Turn to **Goats**, Page 12

CHICAGOLAND

Prospects of teachers reaching a deal hits snag

The odds of striking Chicago teachers reaching a tentative contract deal Saturday took a hit when a top school district official said she had “serious concerns” about resuming negotiations following a “breach of trust.”

It wasn't clear if the matter would derail hopes of reopening classrooms Monday. The two sides remained at the bargaining table into Saturday evening.

The union and the city have reached consensus on many contract matters but have gotten down to the biggest and most challenging ones to resolve, both sides have indicated. **Page 7**



CHRIS SWEDA/CHICAGO TRIBUNE
Carol Stream police Sgt. Brian Cluever shows a kit the department is trying to test drivers for marijuana and other drugs.

Police seeking quick test to help ID those driving while stoned

Hard to gauge impairment after motorists smoke weed

BY ROBERT MCCOPPIN

When marijuana sales become legal in Illinois next year, it will remain illegal to drive while high. But police say they still won't have the tools to enforce laws against stoned driving the way they'd like.

Law enforcement officials expect a significant increase in the number of people driving after smoking pot. While patrol officers can use Breathalyzers to help check

whether people are driving while drunk, they have no approved roadside test to see whether drivers are stoned. Police in Carol Stream are hoping to help change that.

After a false start last year, cops in the western suburb are trying out a roadside test to determine whether drivers have consumed drugs, including cannabis, opiates and methamphetamine. It's part of an effort to find the best way to reduce drugged driving — a problem that appears to be getting more common, even as drunken driving has been decreasing.

Turn to **Test**, Page 13

**Tom Skilling's forecast** High **60** Low **42**

Chicago Weather Center: Complete forecast in Nation & World, Page 35

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Chicago Tribune REAL ESTATE



STACEY WESCOTT/CHICAGO TRIBUNE

Min Bowler, president of Lakeshore Title Agency, found herself in the middle of a closing nightmare after her firm was victimized by wire fraud.

CLOSING HORRORS

Hidden fees, stolen funds and missing permits
can haunt your home purchase

BY JOANNE CLEAVER

Skeletons in the legal closet. Long-forgotten loans and contracts that rise from the dead. Shape-shifters who steal home equity. Zombies like these can eat a real estate closing alive. Real estate closings are notoriously tedious, but trouble arises when these typically routine transactions are haunted by unresolved issues from the past, or even hidden fraud that is revealed as closing day looms. Here's how to drive a stake through the heart of the four horsemen of real estate closing apocalypse — wire transfer fraud, liens, unpaid taxes and fees, and unresolved permits.

Fraud

In early September, a routine property transaction seemed to be close to the finish line at Lakeshore Title Agency, based in Rolling Meadows. “We were getting ready to wire the proceeds,” said agency president Min Bowler, “and our office received emailed wire transfer instructions from someone claiming to be the seller. We wired \$26,390.79, and within five minutes the seller called with the wire instructions.

“We told him we’d already sent the funds via wire. We immediately notified our bank, which immediately recalled the transfer and put out a fraud alert.” The rapid response by the Lakeshore staff reversed the transaction, though the firm had already covered the seller’s loss. That’s how wire transfer fraud works: A seemingly routine communication suddenly is hijacked by a thief, who siphons off the funds at the last minute. Thieves figure out who’s selling a house and then scan public email platforms, such as

Gmail, with the aim of intercepting and then taking over communications about property sales. They collect highly sensitive data about how much money is to be sent, when, from whom and to whom. Then they divert the money into their own accounts by pretending to be the recipient. Sometimes fast action prevents a seller from losing all of their home equity and down payment. Sometimes the money is lost forever. “It’s like identity theft,” said Cynthia Durham Blair, president of the American Land Title Association, and an attorney based in Columbia, South Carolina. “Fifteen years ago, nobody had heard of it. Now everybody knows about it.” Based on figures compiled by federal law enforcement, ALTA estimated that in 2018, \$149 million was stolen from 11,200 consumers in real estate wire fraud. “The terrifying part is that the FBI estimates that’s only about 15% to 20% of the actual theft,” said Blair. “People are embarrassed by it. A realtor or title company might not report it and just pay back the

client out of their own pocket.” Wire fraud is rattling the title insurance industry and forcing everybody to triple-check every aspect of every transaction. “Everybody was in shock,” said Bowler of the quickly corrected fraud that hit her firm. “You hear about it all the time. We receive so many underwriting bulletins, and these fraudsters get you at a vulnerable time and the money is gone within a split second.”

Liens, taxes and fees

Typically, title insurance — which covers you financially if there’s a problem with the legal ownership of the property — includes a provision for liens filed too late to be caught by the standard title search. That’s essential to make sure that the new owner doesn’t get stuck with liens against the property filed by contractors who were not paid by the seller, explains Gregory A. Braun, a partner with the Chicago real estate law

Turn to **Closing**, Page 2

ELITE STREET

Gold Coast tower condo sells for \$8.2M

BY BOB GOLDSBOROUGH

A four-bedroom, 7,085-square-foot condominium unit on the 33rd floor of the luxury Gold Coast tower at 9 W. Walton St. sold Oct. 11 for \$8.2 million. The sale of the full-floor unit represents the highest-priced resale yet in the building. But it sold for far less than its sellers, Jeffrey and Linda Wolfson, originally had sought. The sellers first had listed it in January for \$13 million and then knocked \$1 million off the asking price in April. The listing price was reduced further to \$10.7 million in June.

The Wolfsons had paid \$8.17 million for the unit in late 2018, meaning that they barely eked out a profit on it and likely lost money after broker fees and other costs. The agent who represented them, Nancy Tassone, did not respond to a request for comment, and the agent who represented the buyers, Emily Sachs Wong, declined to comment. The unit has been finished with drywall and electrical and plumbing, according to listing information. It also has eight baths and a large heated terrace. Public records do not yet identify the buyers.

Gacy site on the market: A three-bedroom, 2,500-square-foot house in Norwood Park that was constructed in the 1980s on the site that previously had held serial killer John Wayne Gacy’s now-demolished home is on the market for \$459,000. Gacy murdered at least 33 young men and boys in his brick ranch-style home, which was at 8213 W. Summerdale Ave., between 1972 and 1978. He killed and buried the bodies of 29 victims under and near the home. After his confession and arrest, investigators unearthed and removed the bodies and gradually gutted the house to a point

that it became a safety hazard. It was razed in April 1979. Gacy was executed in 1994. Meanwhile, the property, which Gacy and his mother, Marion, had purchased in August 1971, was foreclosed on and sold to a savings and loan in 1984. A new owner, Patricia Jendrycki, then bought the house in 1986 and changed its address to 8215 W. Summerdale Ave. Jendrycki sold the house in 2004 to its current owners, who first listed the home Aug. 9 for \$489,000 and to no media

Turn to **Elite**, Page 2



VHT STUDIOS

A condo at 9 W. Walton St. sold for \$8.2 million — the building’s highest resale price to date.

Should sellers have disclosed home's past tornado damage?

BY ILYCE GLINK
AND SAMUEL J. TAMKIN
Tribune Content Agency

Q: My husband and I bought a home two years ago, and we had a multitude of problems. First, the real estate agent forgot to offer us a walk-through until the last minute before we were due at the closing. Going by her advice and being on a tight timetable, we declined. We only had a VA inspection of the home.

When we moved in, we noticed there was water damage to the wood floors and damage that was fixed with wood of a different color. This damage was not noticeable during the several times we saw the home. There was spilled paint under one of the beds that we could see only after the bed was removed. The master bath floor had so many cracks that had been covered up by furniture and other items.

Once we moved in, one of our neighbors told us that the home had damage from a tornado several years back. When I tried to get a new insurance quote, I was asked if I knew there had been \$40,000 worth of damage and whether everything had been repaired. Of course, we were not aware of the damage and had no way of knowing.

We went back to both real estate agents, but they didn't offer any help. I was recently told it was fraudulent not to disclose the tornado damage. We are in the process of redoing the bathroom and are terrified the concrete is cracked.

If this is true that the agents committed fraud, do we have any recourse? We live in Alabama and would like to sue for undisclosed damages.



DREAMSTIME

Getting a home inspection and doing a final walk-through can potentially head off problems that are often too late to deal with after you've closed on a house.

A: We hesitate to say that you have been defrauded. That's a strong word and has many legal implications. For that, you'll need to sit down with an attorney whose practice is in the area of seller disclosure and fraud issues.

But let's start at the top. For the life of us, we can't understand why you didn't take your real estate agent's offer to see the home before the sale.

But you didn't. Now what? We can't speak specifically about Alabama law, but most seller disclosure laws require the seller to disclose known defects or problems the home has at the time or before you sign the contract. You mentioned that the floors are a different color, but that doesn't mean they are defective. The same goes for the tiles in the bathroom. The paint on the floor under the bed is another problem, but without seeing it, it's hard to know if it rises to the level of being a defect.

While you referenced cracking concrete, you didn't mention whether the foundation has problems. If you don't have foundation problems, it's possible all your issues are considered cosmetic and not structural. Fixing tiles, refinishing floorboards and taking up the paint on the floor can be costly but may

not rise to the level of fraud — or even a misrepresentation in the seller disclosure statement.

When you obtained homeowners insurance and learned of the past damage, you could have asked at that point to get more information. If you ask, the seller must be honest with you. In many states, when a seller makes repairs to a home, the seller is not obligated to tell you about those repairs. The seller must only be honest with you about whether they are aware of any material defects with the major components of the home.

Also, you never mentioned whether the brokers even knew about the home having survived a tornado. If the brokers didn't know, they wouldn't have known to tell you.

If your state requires sellers to disclose tornado damage to a buyer, then you have a case. But we can't tell you whether you have any chance of winning if you sued the seller. For that, please consult a litigation attorney with expertise in seller disclosure law.

Ilyce Glink is the CEO of Best Money Moves, and Samuel J. Tamkin is a real estate attorney. Contact them through the website ThinkGlink.com.

Closing

Continued from Page 1

firm Braun & Rich.

Often, a seller will order a round of home improvements. The consequent invoices from painters, plumbers, electricians, carpenters and landscapers sometimes are ignored or overlooked by harried sellers. When the contractors aren't paid, they file liens against the property. The sale can't go through until the contractors are paid.

Similarly, unpaid property taxes, municipal fees and homeowners' association fees come roaring back from the dead at closing time, say real estate lawyers and title company executives.

If you are buying a house, be sure that your title insurance policy covers the gap. And make sure sellers pay contractors, taxes and fees promptly.

Permits

Open permits and construction-related fees can linger in bureaucratic limbo, popping up just in time to pox the transaction, said Braun. Often, homeowners who are refinancing don't realize that such fees and fines must be satisfied before the new mortgage can go through, he added.

City of Chicago homeowners must collect confirmation of zoning certifications and building permits and proof of payment of water bills before a sale can be completed, said Braun.

Do not count on the standard property disclosure report to reveal the existence of open permits or unpermitted work, said Corey B. Stern, a real estate lawyer with Lisle-based Chitkowski Law Offices. The disclosure is most useful as a forensic tool, especially when you compare it to the property inspection, he said.

"You get into the house and discover there's hidden mold," said Stern. "Well, that didn't happen

If someone calls out the fact that the work is not permitted, you are responsible for bringing that space up to code.

yesterday. If the house has been on and off the market, compare prior listings with the current listing to see what's new, then compare that to the disclosure and the inspection report."

Unpermitted or otherwise illegal work can skew the valuation of a property if the purchase price includes the illicit square footage, said Jean Brownhill, founder and CEO of Sweeten, a New York-based home improvement service provider matchmaking platform opening this fall in Chicago. If someone calls out the fact that the work is not permitted, you are responsible for bringing that space up to code. One unlicensed contractor can force the code enforcement for the entire space.

Often, Brownhill and Braun said, real estate agents gloss over the legal provenance of questionable space. But if the illegal space must be deducted from the square footage of the house, the purchase price might need to be recalculated in line with appropriate comparable properties. That process might spill into the appraisal and mortgage approvals, said Brownhill, who is also an architect.

If the seller does not provide full documentation for all work, including receipts and closed permits, buyers must piece together proof of the validity of the work, lest they buy legal liabilities along with the house.

Lists and offline confirmations

Use a checklist of disclosures, inspections, proofs, permits and receipts to bring zombie paperwork into lethal sunlight. Mike Opyd, a Chicago realty agent, said that working through a detailed preclos-

ing checklist can keep old issues from causing trouble to begin with and can eliminate problems at final walk-through.

Avoiding wire fraud also involves meticulous attention to detail. Review every detail of emails regarding transactions, including the actual email address. Scanning and replying on the go is the perfect setup for overlooking subtle changes in an email address.

Likewise, if you receive an email with purportedly "corrected" wire transfer coordinates, squelch the urge to be helpful by proceeding with the new information. "Corrections" is a favorite ploy of thieves to divert the communication and, quickly thereafter, your money.

Go offline, using phone, fax or in-person communications with the title company, bank and other parties in the transaction, especially when confirming wire transfer coordinates.

Never simply hit "reply" to a communication involving wire transfer coordinates. Always independently confirm the email address and phone number of the other party. Conduct an online search to confirm the website address and phone number and call the other party from the independently confirmed number to confirm the email.

Never call just from a number included in an email. Fraudsters set up numbers to provide false confirmation.




Learn more at a consumer information website, <https://stopwire-fraud.org/> sponsored by title insurance companies and financial institutions.

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			30 yr FHA	3.500	0.000	\$495	3.5%	3.502		LIC# 6760411
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			15 yr fixed	3.125	0.000	\$999	20%	3.314		
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	3.750%		30 Yr Fixed FHA	3.375	0.000	\$800	5%	3.430		NMLS# 110495
			30 Yr Fixed Jumbo	3.875	0.000	\$1,250	25%	3.932		
			7-1 Arm Jumbo	3.375	0.000	\$1,250	20%	3.430		
Mutual of Omaha Mortgage	30yr Fixed APR		15 Yr Fixed	3.375	0.000	\$800	20%	3.423		
			30 Yr Fixed	3.750	0.000	\$800	5%	3.825		
			10-1 Jumbo	3.625	0.000	\$1,250	20%	3.720		https://mutualmortgage.simplenexus.com/us/yj
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SAVINGS UPDATE

Existing debt not stopping homeowners from renovating

A recent survey asked U.S. homeowners if they plan to renovate their home in the next five years. About 7 in 10 said they would. The more interesting facet, though, is that this was a survey of homeowners who are carrying \$10,000 or more in unsecured debt.

Mortgages and car loans are secured debt, so someone with unsecured debt means they owe on credit cards, student loans, personal loans, or other debts that don't involve collateral, like a house, car, or boat.

Still, among the 1,028 indebted homeowners surveyed, 69 percent said they plan to renovate in the next five years. And almost half (48 percent) expect to spend more than \$15,000. About a quarter (26 percent) project to spend upwards of \$25,000.

How do they plan to pay for the renovations? Although 58 percent said they had cash savings to contribute, roughly a quarter of re-

spondents said they would tap a home equity loan (29 percent), a credit card (28 percent), and/or a personal loan (24 percent). Since many respondents reported using multiple methods to foot the bill, percentages sum to more than 100 percent.

Across generations, millennial homeowners were the most likely to take on additional unsecured debt to fund their home improvement project, with 36 percent reporting they would use credit cards and 31 percent saying they'd take out a personal loan.

Generation X and baby boomer homeowners leaned more heavily towards home equity loans, at 28 percent and 25 percent, respectively. For Gen X, only 21 percent said they would use cards and 20 percent, a personal loan. Among boomers, 23 percent planned to use a credit card and just 13 percent, a personal loan.

The online survey was conducted for Freedom Debt Relief by Atomik Research between July 3 and 14, 2019.



PORTRAITS OF HOME

This Wheaton home sold for \$866,000 on Oct. 1. Designed by architect Jarvis Hunt, construction finished in 1899.

Elite

Continued from Page 1

attention. The owners cut their asking price to \$479,900 later that month, and then in September reduced it to \$469,000 and then to \$459,000.

The house has two baths, an updated kitchen with an eating area, a separate dining room, a family room with a two-sided fireplace, a second-story loft and an attached two-car garage.

Listing agent Bob Picciarello of Prelo Realty did not respond to a request for comment.

TMZ first reported on the listing Oct. 15.

Historic Wheaton house sells: A four-bedroom, 3,614-square-foot Craftsman-style house in Wheaton that was designed by architect Jarvis Hunt sold Oct. 1 for \$866,000.

The two-story house was built in 1898 and 1899 for Charles L. Strobel, a prominent engineer for steel companies who had a role in developing steel skeleton construction for office buildings. Strobel was a member of the Chicago Golf Club in Wheaton — as was Hunt — and for a time the house had its own tree-lined lane to connect it to the club's front entrance drive.

The sellers bought the house in 2011 for \$882,000. Shortly after they bought

the home, it suffered a devastating fire during its remodeling. The fire had started in an attached porch and rapidly spread into the attic, causing major damage to the roof area.

The sellers completely restored the house.

"They had really good insurance, and they spent more to rehab that part of the house than (the amount that) they sold it for," listing agent Patrick Turley of Keller Williams told Elite Street. "It was excruciatingly expensive. They did everything to the exacting standards of what had burned, including doors, beams and flooring."

The house has 3 1/2 baths, two fireplaces, a turret, an updated Drury Design kitchen with white cabinetry, and Wolf and Sub-Zero appliances, and a heated, three-car garage. The house sits on a 0.71-acre property.

Turley said the owners sold because they had been dividing their time between the Wheaton house and a farm in Marengo.

The house first was listed for \$950,000 last November and was reduced to \$900,000 in June.

Public records do not yet identify the buyers.

Bob Goldsborough is a freelance reporter.

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