

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CHANCERY DIVISION**

GENERAL ADMINISTRATIVE ORDER NO. 2013-04

**SUBJECT: CHANGES TO UNCONTESTED VACANT RESIDENTIAL MORTGAGE
FORECLOSURE CALLS
(AMENDMENT TO GAO 2011-03, 2012-01)**

Since the inception of the Uncontested Vacant Residential Mortgage Foreclosure Call established by General Administrative Order 2011-03, as amended by General Administrative Order 2012-01, changes to the Illinois Mortgage Foreclosure Law have been enacted that affect vacant and abandoned residential property. *See* 735 ILCS 5/15-1200.5 (2013) (establishing a definition of “abandoned residential property”), 735 ILCS 5/15-1219 (2013) (eliminating the requirement of occupancy for abandoned residential property), and 735 ILCS 5/15-1505.8 (establishing an expedited judgment procedure). This order supersedes Paragraphs 9, 10, 11, 12, and 13 of General Administrative Order 2011-03 and General Administrative Order 2012-01 in its entirety.

IT IS HEREBY ORDERED:

1. The procedures set forth in this General Administrative Order 2013-04 supersede the procedures set forth in Paragraphs 9-13 of General Administrative Order 2011-03, and General Administrative Order 2012-01 in its entirety. The remaining portions of General Administrative Order 2011-03 shall stand.

Property Categorization for the Uncontested Vacant Residential Mortgage Foreclosure Call

2. The Clerk of the Court shall create two new codes for the Chancery Division Civil Cover Sheet – Mortgage Foreclosure/Mechanics Lien Section. That codes shall be as follows:
 - (i) 0040 “Vacant non-owner occupied residential, mixed commercial/residential (six (6) units or less)*”
 - (ii) 0041 “Vacant Multi-unit residential (seven (7) or more units)

Cases designated as 0040 or 0041, along with 0036, 0038, and 0039 must be initially assigned to an uncontested residential vacant calendar (Calendar 65, 66, or 67).

3. Any plaintiff initiating a foreclosure action on the vacant property Calendars 65, 66, or 67 shall designate the action as category 0036, 0038, 0039, 0040, or 0041 on the Civil Cover Sheet and shall attach an affidavit attesting that the property is residential as defined in the Illinois Mortgage Foreclosure Law, 735 ILCS 5/15-1219 (2013), and stating there is no occupant as defined in 735 ILCS 5/15-1223. In addition to testifying to the vacancy of the property, the affiant must attest to the measures taken to make such a determination and attach to the affidavit any necessary documentation supporting the affiant’s

determination(s). In cases where the subject property is located within the City of Chicago, the affiant must also attest to compliance with the requirements set forth in the Municipal Code of Chicago, Section 13-12-125 (2013). Failure to attach a sufficient affidavit may result in immediate dismissal of the case.

Expedited Judgments Pursuant to 735 ILCS 5/15-1505.8 (2013)

4. A case does not need to be assigned to an uncontested vacant residential mortgage foreclosure calendar for a plaintiff to seek an expedited judgment pursuant to 735 ILCS 5/15-1505.8 (2013). A plaintiff may seek an expedited judgment when a case is assigned to either a general mortgage foreclosure calendar (Calendars 55-64) or an uncontested vacant residential mortgage foreclosure calendar (Calendars 65-67).

Transferring Cases from a General Mortgage Foreclosure Call to the Uncontested Vacant Residential Mortgage Foreclosure Call

5. Any interested party, including a plaintiff, may file a petition to transfer a mortgage foreclosure case from a general mortgage foreclosure calendar (Calendars 55-64) to an uncontested vacant residential mortgage foreclosure calendar (Calendar 65-67). An interested party is defined as, *inter alia*, a representative of any municipality, which has obtained an order in a pending foreclosure action allowing it to intervene.
6. Plaintiffs or interested parties may petition for a transfer to a uncontested vacant residential mortgage foreclosure calendar in one of two ways:
 - (i) Off-Call: The petition may be filed and delivered to the Presiding Judge of the Chancery Division for review off-call. The Presiding Judge may set the matter for hearing in open court in the Presiding Judge's discretion or may enter the order transferring the case off-call.
 - (ii) Spindling through the Clerk of the Court: A petition to transfer may be spindled with the Clerk of the Court for presentment in normal course to the Presiding Judge of the Chancery Division in Courtroom 2403.
7. For either method of presenting a petition to transfer, the petition to transfer must comply with all of the following requirements:
 - (i) The notice and motion must be file stamped with the Clerk of the Circuit filing stamp.
 - (ii) Notice of the petition to transfer shall be provided to all parties named in the case.
 - (iii) The petition must have attached to it as exhibits:
 - (a) An affidavit testifying to the vacancy of the property. The affidavit attached shall attest that the property is residential as defined in the Illinois Mortgage Foreclosure Law, 735 ILCS 5/15-1219 (2013), and state that there is no occupant as defined by 735 ILCS 5/15-1223. In addition to testifying to the vacancy of the property, the affiant must

attest to the measures taken to make such a determination and attach to the affidavit any necessary documentation supporting the affiant's determination(s).

- (b) A copy of the foreclosure action.
- (c) An affidavit attesting to a review of the file and that no defendant has filed an appearance in the case.
- (d) A copy of the order from the mortgage foreclosure judge allowing the municipality to intervene (if applicable).

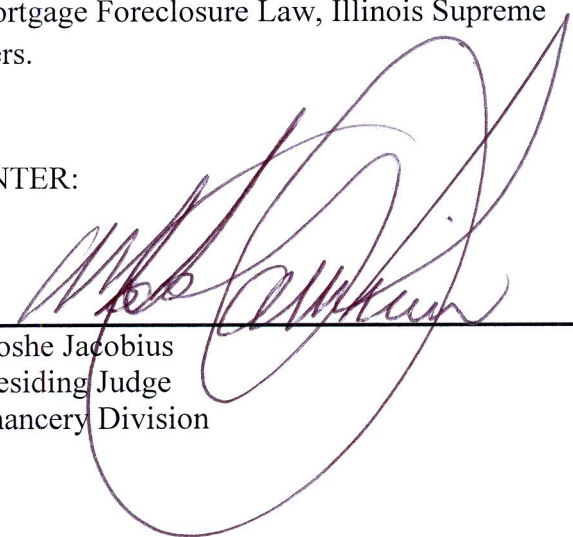
Transferring Cases from the Vacant Uncontested Call to a General Mortgage Foreclosure Calendar

8. Any case initiated on Calendars 65, 66, or 67 in which a defendant, a lien holder (other than the foreclosing party, a second mortgagee, or municipality) such as a mechanics lien claimant, or any other interested party appears or otherwise participates in the case, must be transferred to the Presiding Judge of the Chancery Division for random assignment to one of the general Mortgage Foreclosure Calendars (i.e., Calendars 55 through 64) pursuant to General Order 3.1(1.2). Any party may file a motion to request the transfer or the court may, on its own motion, transfer the case to the Presiding Judge of the Chancery Division.

Motions and Courtroom Procedures for the Uncontested Vacant Call

9. Any motion that a plaintiff wants to present in any case assigned to Calendar 65, 66, or 67 must be properly spindled with the Clerk of the Circuit Court in Room 802 of the Richard J. Daley Center.
10. All courtesy copies and courtroom procedures for Calendars 65, 66, and 67 will be governed by the Mortgage Foreclosure/Mechanics Lien Section Courtroom Procedures, the Uncontested Vacant Residential Courtroom Procedures, and applicable law as set forth by the Illinois Code of Civil Procedure, Illinois Mortgage Foreclosure Law, Illinois Supreme Court Rules, all local rules, and all general orders.

ENTER:



Moshe Jacobius
Presiding Judge
Chancery Division

Date: December 4, 2013