

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

GENERAL ADMINISTRATIVE ORDER NO. 2012-09

SUBJECT: DEFAULT MOTIONS IN MORTGAGE FORECLOSURE CASES

Since July 2, 2007, the practice in mortgage foreclosure cases has been that no motion for default may be scheduled or presented until a total of sixty (60) days has expired since the date of service. This procedural practice has been in effect for all types of mortgage foreclosure cases. The following procedures will now be in place regarding default motions in mortgage foreclosure cases:

IT IS HEREBY ORDERED:

1. 60-day Restriction on Motions for Defaults in Residential Foreclosure Cases.
 - (a) For all mortgage foreclosure cases involving residential real estate, as defined by 735 ILCS 5/15-1219 (2012), no order of default or judgment by default will be entered in any residential mortgage foreclosure case until sixty (60) days has expired from the date of service. However, no default shall be entered prior to any scheduled case management or status date having been held.
 - (b) No motion for default may be scheduled by the Clerk of the Court in Room 802 in any residential mortgage foreclosure case unless a motion for default has been filed with the Clerk.
 - (c) Each Motion for Default must state the date of service, that thirty (30) days has expired since the date of service, that an additional thirty (30) days (i.e., a total of sixty (60) days) has expired since the date of service; and that no appearance, motion, or answer has been filed.
 - (d) A stamped copy of the Motion for Default must be included with the required courtesy copies, as outlined in the Mortgage Foreclosure Courtroom Procedures (and as periodically amended).
 - (e) Paragraph 1 and all its subparts apply to mortgage foreclosure complaints filed with the Clerk of the Circuit Court and coded as one of the following on the Chancery Division Civil Cover Sheet – Mortgage Foreclosure/Mechanics Lien Section:
 - i. Owner occupied single-family home or condominium (0031);
 - ii. Owner occupied (six (6) units or less) (0033); and
 - iii. Owner occupied, mixed commercial/residential (six(6) units or less) (0037).
2. No Restriction on Motions for Defaults in Commercial and Vacant Foreclosure Cases.
 - (a) For all cases involving non-residential real estate (i.e., commercial and vacant foreclosures), the plaintiff may file and present a motion for default that is otherwise in compliance with the Illinois Supreme Court Rules, the Illinois Code of Civil Procedure,

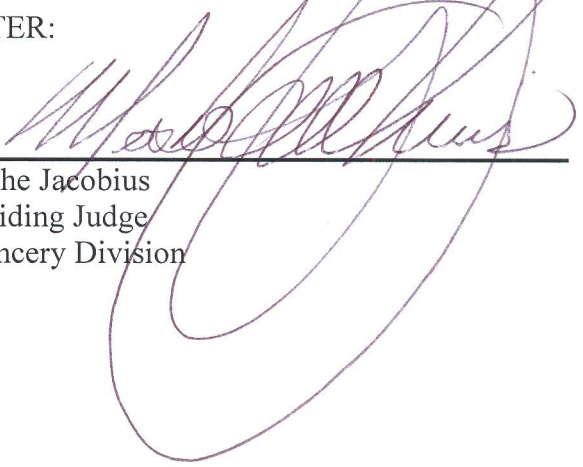
735 ILCS 5/1-101, *et seq.*, and the Mortgage Foreclosure Courtroom Procedures (as periodically amended). The requirements in Paragraph 1 do not apply to commercial and vacant foreclosure cases.

(b) Paragraph 2 and its subparts apply to mortgage foreclosure complaints filed with the Clerk of the Circuit Court and coded as one of the following on the Chancery Division Civil Cover Sheet – Mortgage Foreclosure/Mechanics Lien Section:

- i. Non-owner occupied single-family home or condominium (0032);
- ii. Multi-unit residential (seven (7) units or more) (0034);
- iii. Commercial, mixed commercial/residential or industrial (0035);
- iv. Vacant land (0036);
- v. Vacant Residential (six (6) units or less) (0038); and
- vi. Vacant Residential single-family home or condominium (0039).

3. In the event that a case is incorrectly coded at the time of filing, for any reason, the judge presiding over the case, may direct the Clerk of the Court to re-code the case to correct the error. In such a case, the appropriate provisions for timing of the motion for default, as set forth above, will apply.

ENTER:



Moshe Jacobius
Presiding Judge
Chancery Division

Date: October 17, 2012