

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

GENERAL ADMINISTRATIVE ORDER NO. 2003-03

**SUBJECT: PETITIONS FOR TURNOVER OF SURPLUS FUNDS IN MORTGAGE
FORECLOSURE CASES**

IT IS HEREBY ORDERED THAT:

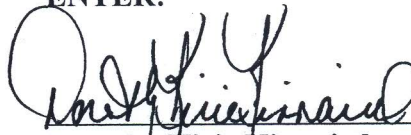
1. Effective August 4, 2003, all Petitions for Turnover of Surplus Funds in mortgage foreclosure cases shall be presented to the Presiding Judge of the Chancery Division.
2. No Petition for Surplus may be presented until at least 30 days has transpired since the entry of the Order Approving Sale.
3. Courtesy copies of all Petitions for Surplus shall be delivered to the Office of the Presiding Judge at least 72 hours in advance of presentation of the Petition so that the court file can be ordered and examined.
4. No Petition for Surplus will be heard unless the Petitioner or his/her attorney has an Appearance on file, with the fee paid or waived by Order of Court.
5. Any party petitioning for the turnover of surplus funds with a case pending in the United States Bankruptcy Court must present to the Court an order from the Bankruptcy Court authorizing the distribution of the surplus funds.
6. Notice of Motion of a Petition for Surplus shall be given to all parties named and added to the case, even if no appearances are on file and the parties have previously been found to be in default.
7. If an attorney appears for the first time in a foreclosure case after sale, no surplus shall be granted to a borrower unless that borrower is present in person before the Court with a photo I.D. or unless an acceptable affidavit is presented as to why the borrower cannot come to court. If a borrower appears *pro se* for the first time in a case after sale, no surplus shall be granted to the borrower unless a photo I.D. is presented to the Court. In all cases the Court will require suitable proof of the Petitioner's connection to the subject property.

8. All Petitions for Surplus must be verified by the party (parties) seeking the surplus. All Petitions for Surplus filed by an attorney must be signed by both the attorney and the Petitioner.

9. No "assignments" of surplus funds will be honored without the borrower present in court with a photo I.D. and without the Court questioning the borrower about the circumstances leading to the "assignment."

10. Orders granting surplus funds will name the Petitioner(s) only, not the attorney, and not the Petitioner(s) and the attorney jointly. Checks will be cut by the Clerk of the Court to the Petitioner(s) only and will not be delivered to an attorney on behalf of a Petitioner unless that attorney has an appearance on file.

ENTER:



Dorothy Kirie Kinnaird
Presiding Judge
Chancery Division

ENTERED

JUL 21 2003

Date: July 21, 2003

JUDGE
DOROTHY KIRIE KINNAIRD - 276