

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION
MORTGAGE FORECLOSURE/MECHANICS LIEN SECTION**

**UNCONTESTED VACANT RESIDENTIAL MORTGAGE FORECLOSURE
COURTROOM PROCEDURES**

The provisions of this Standing Order are in addition to the requirements imposed generally under Illinois law and are in effect for all cases filed as of January 1, 2012. All motions, notices of motions, and pleadings must comply with Chancery General Administrative Order No. 2011-03, as amended by 2013-04. All prove-up affidavits must be attached to and incorporated by express reference within the motion for default and/or foreclosure. Certificates of service may indicate service by United States mail the day after filing with the clerk's office if the pleading, motion or other documents were filed at the end of the day and the firm is unable to mail the documents prior to 5:00 p.m. the day of filing.

Schedules

Calendar 65 Judge Joseph M. Sconza Courtroom 1103 M, T, W 2:00 PM

Calendar 66 Judge Pamela H. Gillespie Courtroom 1105 M, T, W 2:00 PM

Calendar 67 Judge Lauretta H. Wolfson Courtroom 1107 M, F 2:00 PM

Calls and Motions Generally

I. Initiating a Case on Calendar 65, 66 or 67.

In order to have a foreclosure action assigned to one of the vacant property calendars, plaintiff should properly identify the property type using the Chancery Division Civil Cover Sheet. There are five options for vacant property eligible for this call:

- 0036 Vacant land
- 0038 Vacant residential (six (6) units or less)
- 0039 Vacant residential single-family home or condominium
- 0040 Vacant non-owner occupied residential, mixed commercial/residential (six(6) units or less
- 0041 Vacant multi-unit residential (seven (7) or more units)

An affidavit of abandonment is required at the time of filing of the complaint.

Additionally, if Plaintiff seeks an "expedited judgment and sale" pursuant to 735 ILCS 5/15-1505.8 at the time of the filing of a complaint, an affidavit setting forth facts demonstrating that the

mortgaged real estate is abandoned residential real estate under 735 ILCS 5/15-1200.5 should be included, along with all documents set forth in Section V below

If Plaintiff seeks a shortened redemption period pursuant to 735 ILCS 5/15-1603(b)(4) the affidavit must attest that the property is vacant and unimproved or vacant and improved with a building of six residential units or less. The affidavit must further assert that there are no occupants as defined in 735 ILCS 5/15-1223 and listing what steps were taken in order to determine the occupancy status. If appropriate, supporting documentation should be identified in and attached to the affidavit.

II. Scheduling Motions.

With the exception of emergency and “off-call” motions, all motions must be filed and scheduled for presentment with the Clerk of the Circuit Court in room 802 at least 10 days before the scheduled presentment date.

III. Courtesy Copies.

Movants must supply the court with copies of all documents relevant to the hearing of any particular matter, including pleadings. With the exception of emergency motions, the documents must be delivered to the court no later than four (4) court days prior to the scheduled date of presentment.

Particular Motions

IV. Off-Call Motions.

If no appearance, answer, or other motion has been filed by any mortgagor, the following motions may be delivered to the court at any time with proposed orders for entry:

- To appoint a special process server
- To voluntarily dismiss a case in its entirety. **A motion to voluntarily dismiss that is presented off-call must: (1) make an affirmative statement that there are no pending cross- or counter-claims; (2) strike any future scheduled court dates; and (3) be properly filed with the Clerk of the Court. All motions to voluntarily dismiss and vacate a judgment must have paid the applicable fee for the motion with a copy of the Clerk's receipt showing payment printed on the back of the courtesy copy of the motion delivered.**
- To transfer to a general mortgage foreclosure call after defendant has filed an appearance (copy of transfer order must be mailed to defendant within 7 days of its entry).

V. Motions for Expedited Judgment and Sale Pursuant to 735 ILCS 5/15-1505.8

A. Form of Motion

A motion for expedited judgment and sale must be clearly designated as a “Motion for Expedited Judgment and Sale Pursuant to 735 ILCS 5/15-1505.8” to make sure that a hearing is held within statutory requirements and must comply with the following requirements:

- The motion may be filed at time complaint is filed or anytime thereafter as set forth in Section 1505.8.
- The motion must set forth facts demonstrating that the mortgaged real estate is abandoned residential real estate under Section 15-1200.5 and that the required posting was placed under Section 15-1505.8. These required factual assertions shall be supported by affidavit.
- Include the required materials for a entry of a judgment of foreclosure as required by these Courtroom Procedures in Section III.B if the judgment hearing is to follow immediately after the expedited hearing.

B. Scheduling and Presentment of Motion

The following procedures apply to all motions for expedited judgment and sale filed pursuant to Section 1505.8:

1. All motions for expedited hearing and judgment pursuant to 735 ILCS 5/15-1505.8 must be heard on the uncontested vacant residential mortgage foreclosure calendars, calendars 65, 66, or 67. Any case assigned to a mortgage foreclosure calendar 55-64 in which the plaintiff seeks an expedited hearing pursuant to Section 1505.8, shall first have an order entered by the Presiding Judge of the Chancery Division transferring the case to Calendar 65, 66, or 67. For the procedures for transferring a case, see General Administrative Order 2013-04.
2. All motions for expedited hearings for Calendars 65, 66, or 67 must be filed and scheduled with the Clerk of the Circuit Court in Room 802.

VI. Motions for Judgment of Foreclosure.

A. Scheduling for Presentment.

At least thirty days must expire between the date of service and the hearing date for any Motion for Judgment of Foreclosure. At the time the motions are scheduled, movants must file their motion and the following documents with the Clerk of the Circuit Court in Room 802:

1. Notice of Motion(s);

2. All motions noticed for presentment signed by an attorney pursuant to Supreme Court Rule 137. The signing attorney's name must be readably printed, typed, or stamped in order to identify the signature;
3. Affidavit of Military Service with attached U.S. Department of Defense website printout which evidences a search date within the last six months;
4. Signed affidavit of prove-up attached to and incorporated by express reference within the motion for default and/or foreclosure;
5. Affidavit of attorney's fees and costs (fees sought in excess of \$2,000 must be supported by a time and task affidavit); and

B. Judgment of Foreclosure Hearing.

For hearing, movants must deliver to the court copies of documents listed in A above, as well as copies of the following documents, no later than four court days prior to presentment:

1. Complaint (bearing the clerk's file stamp with the initial date of filing) with the attached note(s) and mortgage(s);
2. Any and all assignments or other documents demonstrating the movant's standing to foreclose;
3. Certification of service of process with attached returns demonstrating service;
4. Any and all appearances and responsive pleadings (if any defendant has filed an appearance or responsive pleading, the case will be transferred to General Chancery for reassignment to a General Mortgage Foreclosure Calendar.
5. Proposed orders (Note: The order of judgment of foreclosure must include a provision requiring that the movant mail a copy of the order within seven days to the last known address of the mortgagor(s)); and
6. Certificate of service.

The documents described in A and B must bear the Clerk's file stamp. Copies may be dropped off in the bins outside of Room 1101 of the Daley Center between 8:30 a.m. and 4:00 p.m. Failure to comply with the above requirements will result in the motion(s) being stricken.

VII. Motions for Shortened Redemption Period 735 ILCS 5/15-1603(b)(4).

A. Presentment and Hearing.

For hearing, movants must deliver to the court copies of the following documents no later than four days prior to presentment:

1. Notice of Motion with Certificate of Service;
2. Copy of the vacant property affidavit submitted at the time the complaint was filed;
3. Proposed Order.

VIII. Motions for Orders to Approve Judicial Sales.

A. Presentment and Hearing.

For hearing, movants must deliver to the court copies of the following documents no later than four days prior to presentment:

1. Notice of Motion with Certificate of Service;
2. Motion (which must include a description of the property, date of last inspection, and certificate holder's contact information);
3. Notice of Sale;
4. Selling Officer's Report of Sale and Distribution;
5. Affidavit of proof of notification of sale by publication with copies of publications attached;
6. Receipt of Sale;
7. Certificate of Sale; and
8. Proposed Order.

All of the above documents must bear the Clerk's file stamp. Copies may be dropped off in the bins outside of Room 1101 of the Daley Center between 8:30 a.m. and 4:00 p.m. Failure to comply with the requirements above will result in the motion(s) being stricken.

B. Terms to Be Included in Proposed Order.

The following terms and provisions must be included, where applicable:

1. That the movant shall mail a copy of order within seven days to the last known address of the mortgagor; and
2. In the case of a surplus (a) that the selling officer shall immediately turn over surplus funds to the Clerk of the Court; and (b) that counsel for movant shall notify the mortgagor, by letter, of the surplus, specifying that the funds may be obtained by petition and notifying the mortgagor(s) as to the procedures for

doing so. Counsel for the movant must include the official court surplus request form with the notification.

3. The date of the last inspection of the property by the movant.

IX. Motions for Order of Possession

All Motions for Order of Possession and proposed orders must:

1. Contain the **complete** caption of the case;
2. Identify the type of property involved (i.e. single family, multi-unit, vacant);
3. State when the property was last inspected by the movant;
4. Identify the names of all parties personally named as individuals in the complaint; and
5. In the case of multi-unit property where the purchaser is seeking possession of the building, specify that possession extends only to the building and not individual units.

X. Petition to Transfer from General Mortgage Foreclosure Calendar to Vacant Property Foreclosure Calendar

All Petitions for Transfer from a General Mortgage Foreclosure Calendar to a Vacant Property Foreclosure Calendar must:

1. Be presented to the Presiding Judge of the Chancery Division in Courtroom 2403 either off-call or by spindling with the Clerk of the Court and be in accordance with General Administrative Order 2013-04.
2. Include the attachments required by General Administrative Order 2013-04.

February 27, 2014