

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

GENERAL ADMINISTRATIVE ORDER NO. 2018-05

SUBJECT: MORTGAGE FORECLOSURE EMERGENCY MOTION PROCEDURES

The following procedures shall be in effect for all emergency motions filed and scheduled in mortgage foreclosure cases.

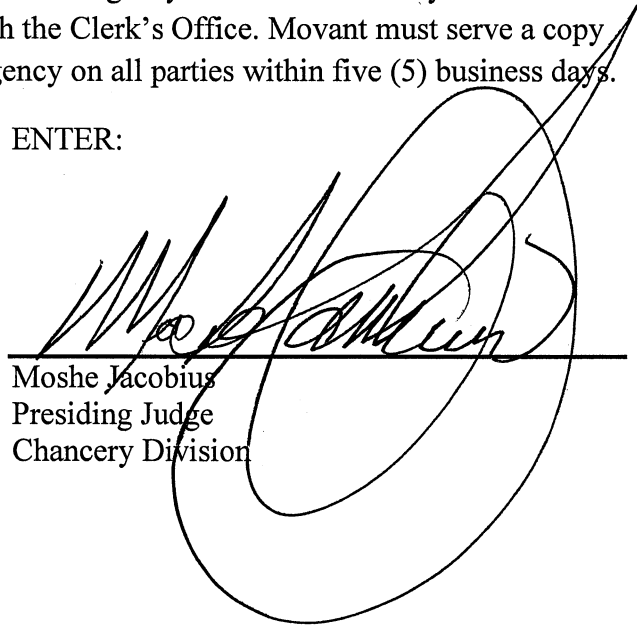
IT IS HEREBY ORDERED:

1. This General Administrative Order supersedes General Administrative Order 2013-02 in its entirety.
2. The following motions may be found to be emergencies within the discretion of each judge:
 - a. Motions to Stay a Sale where the sale is scheduled within 7 days of the motion and one of the two is present: (i) a loan modification application is pending with the bank with all documentation attached to the motion; or (ii) a short sale contract is pending on the property and the real estate contract and any other supporting documentation is attached to the motion.
 - b. Motions to Stay Possession where the Office of the Cook County Sheriff has posted an eviction notice or communicated with the defendant about an imminent eviction from the property.
 - c. Motions to Appoint a Receiver where the property is at risk of imminent demolition or other destruction or presents a health and human safety hazard to the community.
 - d. Other motions based on fact and circumstance that the judge considers to be an emergency, where "emergency" is defined as a sudden and unforeseen circumstance that may cause injury, loss of life, or damage to property and that requires an urgent response and remedial action.
3. Every motion that purports to be an emergency shall bear the words "Emergency Motion" in the motion title and the details constituting the emergency shall be stated with particularity in an affidavit in support of the motion that complies with Illinois Supreme Court Rule 191 or the motion shall be verified under Section 1-109 of the Illinois Code of Civil Procedure (735 ILCS 5/1-109 (2012)). The notice of motion accompanying an emergency motion must also be titled "Notice of Emergency Motion."
4. All movants must e-file an appearance before proceeding on an emergency motion in accordance with the e-filing policies and procedures imposed by the Clerk of the Circuit Court.
5. Prior to scheduling the presentment date, movants must e-file the motion with the Clerk of the Court in accordance with the e-filing policies and procedures imposed by the Clerk of the Circuit Court.
6. To schedule a presentment date for the motion, movants must physically present copies of a notice of motion (with a blank for the date and time) along with an e-file stamped copy of the motion and a copy of the attached order with the caption completed to the judge's courtroom

staff.* If a judge determines that the motion presented for scheduling is an emergency, the judge will enter the attached order specifying the time and date for presentment of the motion.

7. Upon receiving an entered order setting the motion for a presentment hearing, movant must:
 - a. Complete and e-file the notice of emergency motion with the Clerk of the Court in accordance with the e-filing procedures set forth by the Clerk of the Court;
 - b. Deliver courtesy copies of the file-stamped motion, and a copy of the completed file-stamped notice of motion to the court no later than 3:30PM of the court day prior to presentment* ; and
 - c. Serve all parties with a copy of the order entered by the judge setting the motion for presentment, a copy of the file-stamped motion, a copy of the completed file-stamped notice of motion, and a copy of all attachments and any other documents relied upon, by fax or personal delivery no later than 4:00PM on the court day prior to presentment of the motion.
8. If a judge determines that the motion presented for scheduling does not meet his or her guidelines for emergencies, the judge will enter the attached order specifying that the motion is denied without prejudice because it is not an emergency and the motion may be scheduled for presentment in the normal course through the Clerk's Office. Movant must serve a copy of the order denying the motion as an emergency on all parties within five (5) business days.

ENTER:



Moshe Jacobius
Presiding Judge
Chancery Division

Date: September 12, 2018

* If the Clerk of the Circuit Court e-filing system does not make a file stamped copy of the motion available in a timely manner for the movant, the movant may submit an unstamped copy of the motion along with a receipt of e-filing.

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

_____,)
))
Plaintiff(s),))
v.))
_____,))
))
Defendant(s).))

Case No. _____

EMERGENCY MOTION ORDER

THIS CAUSE coming before the Court for scheduling of an Emergency Motion

_____ ; and
the Court and the Court having reviewed the motion;

IT IS HEREBY ORDERED AS FOLLOWS:

- The Court finds that this motion shall be heard on an emergency basis. The motion shall be heard on _____, 20__ at _____ AM/PM in Courtroom _____ subject to proper notice to all parties, and compliance with General Administrative Order 2013-02 and the Standing Courtroom Procedures for Mortgage Foreclosures. Movant shall serve a copy of this order with the Notice of Motion and Motion upon all parties.

- The motion is denied without prejudice because there is not an emergency. Movant may schedule the motion in normal course through the Office of the Clerk of the Court. Movant shall serve a copy of this order on all parties within five (5) business days.

Attorney No.: _____
Name: _____
Atty. For: _____
Address: _____
City/State/Zip: _____
Telephone: _____

ENTERED:
Dated: _____,

Judge Judge's No.