

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

GENERAL ADMINISTRATIVE ORDER NO. 2012-11

**SUBJECT: PROCEDURAL REQUIREMENTS IN RESIDENTIAL MORTGAGE
FORECLOSURE MEDIATION CASES**

In the interest of judicial economy, the following requirements shall be applicable to residential mortgage foreclosure cases where mediation is being requested.

IT IS HEREBY ORDERED:

(1) HUD-Certified Housing Counseling Required.

Any defendant in a residential mortgage foreclosure case must meet with a HUD-certified housing counselor prior to presenting a motion for mediation. This provision applies to self-represented defendants and to any defendant who is represented by a private attorney. Access to HUD-certified housing counselors is provided by the court.

(2) Exceptions to the HUD-Certified Housing Counseling Requirement.

The housing counseling services provided by the following entities will be sufficient for housing counseling purposes and exempt the defendant from the HUD-certified housing counseling requirement set forth in Paragraph (1).

(a) Government Agencies.

A defendant in a residential mortgage foreclosure case who is receiving housing counseling from the Office of the Illinois Attorney General or another state or federal agency is exempt from the HUD-certified housing counseling requirement.

(b) Civil Legal Service Providers.

A defendant in a residential mortgage foreclosure case who is receiving civil legal services and housing counseling from a civil legal service provider, who is representing the defendant for the duration of the foreclosure, will be exempt from the HUD-certified housing counseling requirement. For purposes of this exemption, "civil legal services," and "civil legal service provider" must comply with the definitions under the Illinois Equal Justice Act, 30 ILCS 756/10 (2012).

(3) Answer and Appearance Required.

Any defendant in a residential mortgage foreclosure must file an answer and appearance with the Clerk of the Circuit Court prior to or at the time of requesting mediation.

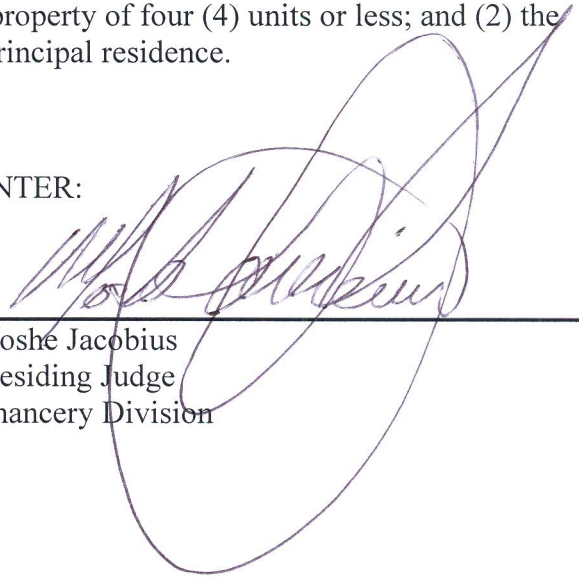
(4) Meeting with an Attorney Prior to Court Appearance.

Any self-represented defendant in a pending residential mortgage foreclosure case has the option to meet with a legal aid attorney provided through the Chancery Division Advice Desk, at no cost to the defendant, for legal advice and assistance in preparing necessary paperwork.

(5) *Written Motion Required.*

Any party requesting mediation in a pending residential mortgage foreclosure mediation case must present a written motion to the court. The motion must be certified pursuant to Section 1-109 of the Illinois Code of Civil Procedure, 735 ILCS 5/1-109 (2012), or supported by an affidavit that complies with Illinois Supreme Court Rule 191. The motion must identify property that is: (1) a single family home, single family condominium or, a property of four (4) units or less; and (2) the mortgagor resides in the property as the mortgagor's principal residence.

ENTER:

A large, stylized handwritten signature in purple ink, appearing to read 'Moshe Jacobius', is written over a horizontal line. The signature is highly cursive and loops around the line.

Date: November 27, 2012

Moshe Jacobius
Presiding Judge
Chancery Division