

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

**STANDING ORDER
MORTGAGE FORECLOSURE CALENDAR 63**

Richard J. Daley Center, Chicago - Courtroom #2810

Telephone: (312) 603-3885, **Law Clerk:** Alexandra Benigni

Calendar 63 Email Address: ccc.mfmlcalendar63@cookcountyil.gov

**Note, all Calendar 69 matters will be handled through the Calendar 63 email address*

This standing order is a supplement to the Mortgage Foreclosure Courtroom Procedures. The Mortgage Foreclosure Courtroom Procedures can be found at <http://www.cookcountycourt.org/ABOUT-THE-COURT/County-Department/Chancery-Division/Mortgage-Foreclosure-Mech-Lien>

1. “Pro Se” / Self-Represented Litigants

- Self-represented litigants are directed to seek free or low-cost legal assistance at the Chicago Volunteer Legal Services at (312) 332-2624 or via their website: www.cvls.org/get-legalhelp/COVID-19; Legal Aid Chicago at (312) 341-1070 or via their website at www.legalaidchicago.org; or the Chicago Legal Clinic at (312) 726-2938 (24-hour intake number) or via their website: www.clclaw.org. Upon request, the Court’s judicial law clerk shall send via email to self-represented litigants, or their representatives, the **“Free & Affordable Legal Help in Cook County” Handbook** and the **“Circuit Court of Cook County Resource Guide for Self-Represented Litigants in Mortgage Foreclosure Cases.”**
- Self-Represented litigants are also directed to free resources available on the Illinois Supreme Court website, which offers “Approved Statewide Forms” at the following webpages: http://illinoiscourts.gov/Forms/approved/mortgage_foreclosure/mortgage_foreclosure.asp and <http://illinoiscourts.gov/Forms/approved/procedures/motion.asp>
- Self-represented or pro se litigants must comply with the relevant Illinois Code of Civil Procedure, the Illinois Mortgage Foreclosure Act, Illinois Supreme Court Rules, and Circuit Court of Cook County Rules. These rules can be found online at the following websites: www.ilga.gov and www.state.il.us.court/SupremeCourtRules.

2. Motions and Case Management Conferences

- Correspondence with the Court: Communication with the Court will take place through the email address dedicated to Calendar 63 (including all Calendar 69 matters): ccc.mfmlcalendar63@cookcountyil.gov. All email correspondence to the Court must notice/copy all parties. Please include the date of the hearing, if applicable, in the subject line of the email.

- Email Addresses: Pursuant to ISCR 11(b), an attorney must include on the appearance and on all pleadings and briefs filed in court an email address to which documents and notices will be served in conformance with Rule 131(d). A self-represented litigant who has an email address must also include the email address on the appearance and on all pleadings and briefs filed in court to which documents and notices will be served in conformance with Rule 131(d). If email is not available for any litigant, any party may call the Court at the phone number listed for further instructions on how to proceed.

- Presentment Date: The movant must submit a courtesy copy of the motion and case management documents at least 10 court days prior to the presentment. The parties are not to appear in court on the presentment date or the case management conference. Depending on the type of motion or status of service for case management, the Court will issue an order setting either a briefing schedule or allowing additional time for the defendant to appear or object to the motion. The presentment date and case management conference will be stricken.

- Agreed Orders: The movant must state in the motion whether the motion is agreed or whether there is an objection. If the motion is agreed, and the respondent does not object to the entry of the order, the parties shall email the order to ccc.mfmlcalendar63@cookcountyiil.gov including the word "Agreed" in the title of the order, and the order will be entered without a briefing schedule.

- Courtesy Copies: Each party shall file their briefs electronically with the Clerk of the Circuit Court with exhibits. The movant is responsible for emailing a complete courtesy copy of the motion consisting of all briefs and exhibits filed in support of or in opposition to the motion to ccc.mfmlcalendar63@cookcountyiil.gov. Movant's failure to submit a complete courtesy copy will result in the denial or continuance of the motion.

- Brief / Pleading Format: All submissions of pleadings and briefs, especially judgment packets, shall have PDF attachments that are clearly labeled with identifying names and are digitally tabbed for exhibits and documents. Proposed orders should be submitted in a separate PDF file attached to the same email. If it is not possible for the movant to submit a tabbed PDF document with all supporting documents, then each document must be properly labeled to identify its content, Ex:
 - "Plaintiff's Motion for Summary Judgment"
 - "Plaintiff's Exhibit 1 – Mortgage Agreement and Note"
 - "Plaintiff's Exhibit 2 – Affidavit of Amounts Due and Owning"
 - "Defendant's Response to Plaintiff's Motion for Summary Judgment"
 - "Defendant's Exhibit 1 – Affidavit of Defendant"

- All Briefs Shall Be: (1) Double Spaced; (2) Typed in 12-point font; (3) Set with 1-inch margins. Briefs in support of and in response to a motion shall not exceed 15 pages. Reply briefs shall not exceed 8 pages. All briefs citing to cases outside of Illinois or in federal court must include a copy of the case attached to the brief. This includes cases cited to in the 7th Circuit Court of Appeals or the Northern District of Illinois. Any submission to the Court must contain the Clerk's stamp and is required to be sent to every other party to the litigation in the same manner and form.

- Orders: Movant is responsible for sending the order to all parties unless the movant is pro se / self-represented. In that case, the plaintiff is responsible for sending the order to all parties. Email communications with the Court should copy all parties. Proof that the order was sent to all parties is required in all courtesy copies of motions submitted to the Court for ruling. Failure to submit proof that the order regarding the motion was sent to all parties may be a basis for the denial or continuance of the motion until such proof is presented to the Court.

- Hearings are NOT Automatic: No appearance is required unless specifically requested. The Court will enter orders based on the submitted briefs and email the order to the movant. A party may request a remote hearing by emailing ccc.mfmlcalendar63@cookcountyil.gov within the time specified in the order setting the matter for hearing and indicating the reason for the hearing. It is within the Court's discretion whether to grant the request for a remote hearing.

- Remote Video Hearing: If the Court determines that a remote hearing is necessary, then the hearing will be conducted on Zoom. The Court will email the parties regarding the date, time, and access information for the remote video hearing. If a party is unable to participate by video, the remote hearing instructions will have information to attend by phone.

- Remote Hearing Admonishments:
 - The Court proceedings are on the record and a Court Reporter may be present on Zoom if retained by a party. All conversations can be heard by all of the other parties present and will become a part of the record. The public is also able to view these proceedings as a Livestream on YouTube.
 - Remember that this is a formal proceeding and you should treat it as if you were present in the courtroom.
 - There may be multiple participants involved in remote hearings. If you are not speaking, mute yourself so other participants do not pick up background noise or unwanted audio feedback. Once logged into the hearing, please take a moment to locate the mute button on your screen. Clicking the microphone will enable you to mute and unmute. If the Court mutes you, the Court will let you know that the Court will be doing so.

- When you want to speak, unmute yourself and identify yourself by stating your last name. Identify yourself each time we change who is speaking, otherwise, the Court Reporter may interrupt from time to time to clarify who is speaking.
 - When you speak, please make sure that you speak slowly and clearly. Please do not speak over one another or interrupt one another.
 - The Court will admit witnesses into the virtual Courtroom from the Waiting Room one at a time. Participants should not allow or encourage witnesses to watch the Livestream during the hearing or assist them in any way in violating this rule. Participants should not communicate with the witnesses through any format during the proceedings. Witnesses may not hold any notes or paperwork in their hands while they are testifying.
 - Verbal responses are essential in order for the Court and Court Reporter to take down what the speaker said.
 - Video or audio recording of this proceeding by any party through any device or format is strictly prohibited. Failure to comply with this admonishment may result in the imposition of sanctions or in a finding of contempt.
- Interpreter: If you need the services of an interpreter, email ccc.mfmlcalendar63@cookcountyil.gov prior to the hearing. The only interpreters allowed will be ones provided by the Court. Interpreters will not be provided by the Court for trials if the party in need of an interpreter is represented by counsel.

3. Emergency Motions

- Emergency Motions must be submitted to ccc.mfmlcalendar63@cookcountyil.gov and include the grounds for the emergency. If the Court in its' discretion determines that an emergency hearing is necessary, an expedited briefing schedule will be entered and the Court will rule by email or a remote video hearing will be scheduled.
- An emergency motion is limited to the following: (without prior review of the Court)
 - Motion to Stay a Judicial Sale (must include the date of sale in motion, and any document necessary to support the substance of the motion, i.e. short sale contracts, loan modifications, etc.).
 - Motions to Stay Possession (must include date of possession in motion).
 - Motion to Appoint Receiver / Mortgagee in Possession *only* when the *verified* petition alleges an *immediate* health or safety threat.
- Movant must have an appearance on file.
- The Court will not entertain oral emergency motions.
- Movant must give notice of the emergency motion to opposing parties according to the circuit court rules.

4. Routine Motions

- A party bringing a routine motion must present it, along with appropriate notice and proof of service, to the law clerk by email at ccc.mfmlcalendar63@cookcountyil.gov. Orders will generally be granted and emailed to the movant after entry.

- Routine motions and proposed orders shall indicate when the filing or other action will occur, e.g., instant or within X days after the entry of the order. A party may object to the entry of a routine motion by notifying the law clerk of the objection with notice to all parties at ccc.mfmlcalendar63@cookcountyl.gov along with the basis for the objection. If there is an objection to the motion, the motion must be noticed for hearing on the regular motion call.

- The following motions are routine:
 - Issuing an alias summons. The motion and proposed order shall state that an alias is being issued, the name of the person to be served, and when it will issue.
 - Appointing a special process server. The motion and proposed order shall include the service agency's name and license number in accordance with 735 ILCS 5/2-202 (a-5) and the name of the person to be served.
 - Vacating a technical default (but not a default order).
 - Filing an appearance or additional appearance.
 - Leave to file a pleading such as an answer, affirmative defense, counterclaim, or third-party complaint (the proposed pleading shall be attached).
 - Issuing a summons (related to an amended complaint or a third-party action).
 - Leave to file an amended pleading specifying what is to be amended and the reason for the amendment (the proposed amended pleading shall be attached).
 - Amending the complaint to name a special representative and the naming of a special representative pursuant to ISCR 113(i) (the Court will name the special representative).
 - A motion for consent foreclosure. Any party who wishes to object to the entry of the consent foreclosure pursuant to 735 ILCS 5/15-1402 (b) must email the law clerk at ccc.mfmlcalendar63@cookcountyl.gov and other parties regarding the objection and the motion then needs to be presented on the regular motion call).
 - The withdrawal and substitution of counsel with an affidavit agreeing to the substitution of counsel.
 - Agreed motions to extend time or otherwise answer a pleading.
 - To withdraw previously noticed motions on the regular call. The proposed order must include language striking the hearing date of the previously noticed motion.
 - Dismissing a party voluntarily on motion of plaintiff(s).
 - Dismissing a case voluntarily on motion of plaintiff(s).
 - Any other agreed motion.

- The following motions are not routine:
 - Withdrawing of an attorney without substituting an attorney.
 - Seeking an extension of time if the Court has previously entered a motion to extend time for the same purpose.
 - Any motion in a case filed more than three years before the motion's presentment.

- All documents for routine motions, including notices, motions, and orders, must be served on all parties prior to being entered. All documents must have a full case caption on them. Also, the notice of motion must state the specific motion that is being presented.

5. Judgment of Foreclosure Packets

- Do not include a junior lien holder's amount of indebtedness **unless** the junior lien holder has provided a prove up affidavit that gives notice to all parties.
- If the case involves a lost note the Court must be expressly advised of such in the motion for summary judgment.
- The following language needs to be included in the judgment of foreclosure order:
 - **Affidavit of Lost Promissory Note and Indemnity Agreement:** The Plaintiff agrees to indemnify, defend, hold free and harmless, and protect the Defendant(s), its legal representatives, successors, and assigns without limitation from any and all losses, damages, liabilities, costs, charges, attorney fees, and/or expenses incurred in connection with or in any way relating to or arising out of the enforcement of the subject note and mortgage by any other entity other than the named Plaintiff in this cause of action.

6. Motions to Appoint Receiver

- Motions to Appoint Receiver or Mortgagee in Possession can be scheduled online through the e-file system.
- When scheduling the motion, the moving party shall provide, at a minimum, copies of the complaint, mortgage, and note; curriculum vitae of the proposed receiver, including rates/compensation; proof of service as required by section 15-1706(d) of the IMFL, and a proposed order to appoint receiver.
- A form order for the appointment of a receiver is available in Courtroom 2810. An electronic copy may be obtained from:
<http://www.cookcountycourt.org/ABOUTTHECOURT/CountyDepartment/ChanceryDivision/MortgageForeclosureMechLien/CommercialReceiverForms.aspx>
- **Motions to Appoint a Receiver and Motions to be placed as Mortgagee in Possession are only heard on the contested call.**

7. Receivers' Bond

- The bond must be issued by a court-approved surety and signed by a court-approved "attorney-in-fact." See Cook County Circuit Court Rule 9.2.
- **The bond must have:**
 - A raised seal.
 - The signature of the receiver.
 - The signature of the surety with the surety's name printed under the signature.
 - A complete case caption.
 - A signature block for the judge.

8. Additional requirements for motions for Order Approving Sale where the plaintiff is seeking a personal deficiency on either the default or contested call

- The following must be included in the courtesy copy packet in addition to the standard documents as laid out in the section order:
 - Proof of service on the defendant of whom the deficiency is being sought.
 - Copy of complaint.
 - Copy of judgment of foreclosure order.
 - BPO / updated or recent appraisal.
 - Memorandum of Judgment.

9. Continuances

- The judge does not continue cases over the phone. See Cook County Circuit Court Rule 17.1.

10. Supreme Court Rule 304(a) Language

- No SCR 304(a) language may be added to non-final orders without first petitioning the Court by separate motion for such language to be added.

11. Withdrawing Motions Set for Hearing

- If a briefing schedule has been entered and a hearing date has been set, but the movant knows in advance that it will be withdrawing its motion, the Court requests you email ccc.mfmlcalendar63@cookcountyil.gov if any scheduled fully briefed matter has been resolved and will not be heard.

12. Orders for Pick Up

- Any motion or order left for a party to pick up in the 28th floor reception area for more than thirty days will be discarded.

13. Court Orders

- All court orders drafted by counsel must state the basis for the Court's ruling. For example, when a motion is withdrawn, the order must state the reason it is being withdrawn.

14. Affidavits

- All-Inclusive Requirement: All affidavits submitted to the Court for consideration must be all-inclusive. The Court will not consider affidavits containing a stand-alone signature page or notary page.
- Service by Publication Affidavit: All affidavits for service by publication must be accompanied by a sworn affidavit and in compliance with Cook County Circuit Court Rule 7.3.

15. Compliance with Illinois Supreme Court Rule 113

- If no loss mitigation affidavit is included in the courtesy copy packet for cases where a defendant mortgagor has filed an answer or an appearance, the matter will be subject to re-notice upon the discretion of the Court.

16. Piggy-backing

- Absolutely NO PIGGYBACKING unless expressly granted leave by the Court.

17. Modification

- The Court may modify this Standing Order at any time. Calendar 63's most recent standing order can be found via the Circuit Court of Cook County website.