

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

**MORTGAGE FORECLOSURE COURTROOM PROCEDURES**

The provisions of this Standing Order are in addition to requirements imposed generally under Illinois law as well as to standing orders issued by individual judges of the Section.

**Schedules**

Following are the motion call schedules for the mortgage foreclosure calendars. All motions scheduled to be presented must have a notice of motion in compliance with the schedule below.

Calendar *	Judge	Courtroom	Contested Motions	Uncontested/Default Motions
			Motion Schedule	Motion Schedule
55	Judge William B. Sullivan	RVP	11:30 A.M. *REMOTE VIDEO CALL* Wednesdays	
56	Judge Freddrenna M. Lyle	2808	10:30 A.M. Mon., Tu., Wed., Fri.	2:30 P.M. Mon., Tu., Wed., Fri.
57	Judge John J. Curry, Jr.	2809	9:45 A.M. Mon., Tu., Wed., Fri.	2:00 P.M. Mon., Tu., Wed., Fri.
58	Judge Darryl B. Simko	2806	9:30 A.M. Mon., Tu., Th., Fri.	1:30 P.M. Mon., Tu., Th., Fri.
59	Judge Edward N. Robles	2801	2:00 P.M. Monday - Thursday	10:00 A.M. Monday - Thursday
60	Judge William B. Sullivan	2803	2:30 P.M. Monday - Thursday	10:30 A.M. Mon., Wed., Th., Fri.
61	Judge Cecilia A. Horan	2804	3:00 P.M. Tuesday - Friday	9:45 A.M. Mon., Tu., Th., Fri.
62	Judge Marian E. Perkins	2808	1:00 P.M. Monday - Thursday	9:30 A.M. Monday - Thursday
63	Judge Gerald V. Cleary	2810	11:00 A.M. Monday - Thursday	3:00 P.M. Monday - Thursday
64	Judge Patricia S. Spratt	2810	1:00 P.M. Tuesday - Friday	9:15 A.M. Tuesday - Friday
68	Judge Edward J. King			
69	Judge Gerald V. Cleary	RVP	11:30 A.M. *REMOTE VIDEO CALL* Thursdays	

\* Effective December 1, 2019 Calendars 55 and 69 are designated for cases assigned to the Remote Video Proceedings Pilot Program from Calendars 60 and 63, and any other cases as designated by the Presiding Judge or judges in the Section. See General Administrative Order 19-02.

## **Calls and Motions Generally**

All motions, notices of motions, and pleadings must comply with General Administrative Order 2011-04 (affidavits of military service and orders are exempt). All prove-up affidavits must be attached to and incorporated by express reference within the motion for default, summary judgment, 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 the of the day and the firm is unable to mail the documents prior to 5:00 P.M. on the day of filing.

### **I. Scheduling Motions.**

With the exception of emergency, receiver/mortgagee-in-possession, and "off-call" motions (addressed below), all motions must be filed and scheduled for presentment with the Clerk of the Circuit Court in room 802.

### **II. Courtesy Copies.**

Movants must supply the court with copies of all documents relevant to the hearing of any particular matter, including pleadings. For post-mediation status hearings, plaintiffs must supply the court with a copy of the order transferring the matter to mediation. 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.

### **III. Division of Calls.**

#### **A. Default Motion Call.**

If no appearance or answer has been filed by any non-movant mortgagor, the following motions may be scheduled for presentment on the default call:

- To amend complaint
- To substitute parties or attorneys
- To add or dismiss a party
- For an order of default
- For judgment of foreclosure and sale
- To shorten redemption period
- To appoint a selling officer
- To reinstate case
- To prove up lien of junior lien holder
- To amend judgment
- To strike case management date
- For an order approving sale and for an order of possession

#### **B. Contested Motion Call.**

The following motions must be scheduled for presentment on the contested call:

- Any motion not listed above as "uncontested/default motions"
- Any motion filed by a mortgagor
- Any motion in a case with a receiver or mortgagee-in-possession
- Motion to Voluntarily Dismiss where a counter- or cross-claim is pending

## Particular Motions

### **I. 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.**

### **II. Motions for Judgment of Foreclosure.**

#### **A. Scheduling for Presentment.**

To obtain a date for presentment, movants must file, at the time of scheduling the motion, the following documents with the Clerk of the Circuit Court in Room 802:

1. Notice of Motion(s);
2. All motions noticed for presentment (*i.e.*, Motion for Default, Motion for Judgment of Foreclosure, Motion to Appoint Selling Officer, etc.), signed by an attorney as required by Supreme Court Rule 137 (with the name readably printed, typed, or stamped to identify the signature);
3. Affidavit of Military Service with attached U.S. Department of Defense website printout (current within six (6) months);
4. Signed affidavit of prove-up attached to and incorporated by express reference within the motion for default and/or foreclosure; and
5. Affidavit of attorney's fees and costs (fees sought in excess of \$3,000 must be supported by a time and task affidavit).
6. Illinois Supreme Court Rule 114 Loss Mitigation Affidavit, if applicable.\*

#### **B. Hearing.**

For hearing, movants must deliver to the court copies of the documents 1-6 described in A, above, as well as copies of the following documents, no later than four (4) court days prior to presentment:

1. Complaint (bearing the clerk's file stamp showing the initial date of filing) with the attached note(s) and mortgage(s);
2. Any and all assignments or other documents (as applicable) 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;
5. A copy of any post-mediation status order (if applicable);
6. 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 (7) days to the last known address of the mortgagor(s)); and
7. Certificate of service.
8. Illinois Supreme Court Rule 114 Loss Mitigation Affidavit, if applicable.\*

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\* A Rule 114 Loss Mitigation Affidavit will not be required for a consent foreclosure or in a case where the defendant has physically appeared in court but has not filed a paper appearance with the Clerk of the Circuit Court.

The documents described in **A** and **B** must bear the clerk's file stamp. Copies may be dropped off at the reception area on the 28th floor 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.

### **III. 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 (4) court 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 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 at the reception area on the 28th Floor 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 (7) days to the last known address of the mortgagor;
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; and
3. The date of the last inspection of the property by the movant.

### **IV. 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, commercial, etc.);
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.

## V. Motions to Appoint a Receiver or Place a Mortgagee in Possession

Pursuant to General Administrative Order 2014-01, each mortgage foreclosure calendar will specially schedule motions to appoint a receiver or to place a mortgagee in possession upon request of the movant. The chart below details the motion schedule and basic scheduling requirements for each calendar. Scheduling requirements detail how motions must be scheduled (in person or by phone) and if the scheduling must occur before a certain time during the day. *Movants are responsible for checking each judge's standing order for any additional motion requirements, including courtesy copy requirements.*

Calendar	Judge	Courtroom	Receiver Motion Time	Scheduling Requirements	Staff Contact
56	Judge Freddrenna M. Lyle	2808	11:30 AM Wednesday	<ul style="list-style-type: none"> <li>In person or by phone</li> <li>Before 3:30 PM</li> </ul>	(312) 603-3877 (312) 603-3900
57	Judge John J. Curry, Jr.	2809	11:30 AM Tuesday	<ul style="list-style-type: none"> <li>In person only</li> <li>Before 3:30 PM</li> </ul>	(312) 603-3908 (312) 603-3893
58	Judge Darryl B. Simko	2806	9:30 AM Tuesday	<ul style="list-style-type: none"> <li>By phone (preferred), or in person</li> <li>Before 3:30 PM</li> </ul>	(312) 603-3904 (312) 603-3914
59	Judge Edward N. Robles	2801	3:00 PM Monday	<ul style="list-style-type: none"> <li>In person only</li> <li>Before 3:30 PM</li> </ul>	(312) 603-4283 (312) 603-7554
60	Judge William B. Sullivan	2803	3:30 PM Tuesday	<ul style="list-style-type: none"> <li>In person only</li> <li>Before 4:00 PM</li> </ul>	(312) 603-3894 (312) 603-7554
61	Judge Cecilia A. Horan	2804	3:00 PM Thursday	<ul style="list-style-type: none"> <li>In person or by phone</li> <li>During court hours</li> </ul>	(312) 603-3878 (312) 603-3893
62	Judge Marian E. Perkins	2808	1:00 PM Thursday	<ul style="list-style-type: none"> <li>In person only</li> <li>Before 3:30 PM</li> </ul>	(312) 603-3905 (312) 603-3914
63	Judge Gerald V. Cleary	2810	11:45 AM Monday	<ul style="list-style-type: none"> <li>In person only</li> <li>Before 3:30 PM</li> </ul>	(312) 603-3885 (312) 603-3914
64	Judge Patricia A. Spratt	2810	9:30 AM Wednesday	<ul style="list-style-type: none"> <li>By phone (preferred), or in person</li> <li>Before 3:30 PM</li> </ul>	(312) 603-3879 (312) 603-7554

## VI. Page Limits – Mortgage Foreclosure and All Other Cases.

No motion or brief submitted to the Court shall exceed 15 pages, excluding exhibits, without prior leave of Court.

## VII. Emergency Motions.

Please refer to *General Administrative Order 2018-05* in addition to the following procedures:

Generally, all movants must file an appearance before proceeding on an emergency motion. Prior to scheduling the presentment date, movants must e- file the motion with the Clerk of the Court. To schedule a presentment date for the motion, movants must contact the individual judge's courtroom staff and tender copies of a notice of motion (with a blank for the date and time) along with a file stamped copy of the motion. Movants are urged to review each judge's standing orders with respect to requirements for emergency motions and supporting documentation.

**Upon receiving a motion presentment date and time from the judge's staff, movant must:** (1) e-file the notice of motion with the Clerk of the Court; (2) deliver courtesy copies of the file-stamped motion and notice to the court no later than 3:30PM of the court day prior to presentment; **and** (3) serve all parties with file-stamped copies of notice, motion, and 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.

Calendar	Judge	Courtroom	Emergency Motion Time	Staff Contact
56	Judge Fredrenna M. Lyle	2808	10:30 AM M, T, W, F	(312) 603-3877 (312) 603-3900
57	Judge John J. Curry, Jr.	2809	9:45 AM M, T, W, F	(312) 603-3908 (312) 603-3983
58	Judge Darryl B. Simko	2806	9:30 AM M, T, Th, F	(312) 603-3904 (312) 603-3914
59	Judge Edward N. Robles	2801	10:00 AM Monday –Thursday	(312) 603-4283 (312) 603-7554
60	Judge William B. Sullivan	2803	2:30 PM Monday - Thursday	(312) 603-3894 (312) 603-7554
61	Judge Cecilia A. Horan	2804	9:45 AM M, T, Th, F	(312) 603-3878 (312) 603-3893
62	Judge Marian E. Perkins	2808	1:00 PM Monday- Thursday	(312) 603-3905 (312) 603-3914
63	Judge Gerald V. Cleary	2810	11:00 AM Monday - Thursday	(312) 603-3885 (312) 603-3914
64	Judge Patricia A. Spratt	2810	9:15 AM Monday - Friday	(312) 603-3879 (312) 603-7554