

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

GENERAL STANDING ORDER

Hon. Marian E. Perkins
Circuit Court Judge of Cook County
Calendar 62
Richard J. Daley Center, Courtroom # 2808

Erica Thomas, Esq.
Judicial Law Clerk
COURTESY COPY E-MAIL:
ccc.mfmlcalendar62@cookcountyil.gov

Daisy Valladares
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GENERAL PHONE NUMBER:
(312) 603-3914

The Court's website:

<https://www.cookcountycourt.org/Judges-Pages/Perkins-Marian- E.>

This is the Standing Order for practice before Calendar 62 of the Chancery Division/Mortgage Foreclosure & Mechanics Lien Call in Courtroom #2808 of the Richard J. Daley Center. It supplements the Mortgage Foreclosure/Mechanics Lien Courtroom Procedures, which apply to all mortgage foreclosure and mechanics lien cases. All court hearings will consist of remote access proceedings via Zoom, unless the parties request an in-person hearing. Parties can obtain a copy of the Mortgage Foreclosure/Mechanics' Lien Courtroom Procedures online at www.cookcountycourt.org. Click on: "Judge Marian E. Perkins."

I. COURT CALLS

Uncontested/Default Motions	Contested Motions	Emergency Motions
Monday through Thursday 9:30 A.M.	Monday through Thursday 1:00 P.M.	Monday through Thursday 9:30 A.M. or 1:00 P.M.

Zoom Information

Meeting ID: 941 2445 6665

Passcode: 486 865

Zoom Dial In: (312)626-6799*

* - To unmute after dialing in, press *6

Filing and Scheduling Motions in Calendar 62

All motions must be filed and scheduled for presentment with the Clerk of the Circuit Court in Room 802, or electronically with the Clerk of the Circuit Court. All motions filed and scheduled must bear the file stamp of the Clerk of the Circuit Court of Cook County. Please see below for additional information regarding Emergency Motions, Motions to Appoint Receiver/Mortgagee-in-Possession, and "Off Call" Motions. Copies may be dropped off at the reception area on the 28th floor of the Richard J. Daley Center. The court may, in its discretion, rule on a motion from chambers based on a review of the written pleadings if it determines oral argument and/or briefing are not necessary. No motion or brief submitted to the Court shall exceed fifteen (15) pages, excluding exhibits, without prior leave of the Court.

Appearance Required

Except for a Petition to Intervene, no motions, including Emergency Motions, may be presented unless the movant has filed an Appearance electronically with the Clerk of the Circuit Court or in Room 802 of the Clerk of the Circuit Court of Cook County. See Ill. Sup. Ct. R. 13 (c) (1); Cook Co. R. 1.4 (a).

Official Court Reporters

The court does not provide an official court reporter. Parties seeking a record of oral arguments or witness testimony must secure private court reporting services.

Official Court Interpreters

Court interpreters are provided by the Interpreter's Office of the Circuit Court of Cook County. Please contact the judicial law clerk, Erica Thomas at ccc.mfmlcalendar62@cookcountyl.gov to request the presence of a Spanish-speaking, Polish-speaking, Mandarin-speaking, Cantonese-speaking official court interpreter or a court interpreter for the requested language.

II. COURTESY COMMUNICATION TO THE COURT'S JUDICIAL CHAMBER

Administrative Matters

For administrative concerns and follow-up on the status of entered court orders, please contact Daisy Valladares, the Court's administrative assistant. Daisy Valladares can be reached at daisy.valladares@cookcountyl.gov or via telephone at (312) 603-3914.

Legal Matters

For legal matters or procedural concerns, please contact Erica Thomas, the Court's judicial law clerk. Erica Thomas can be reached at ccc.mfmlcalendar62@cookcountyl.gov or via telephone at (312) 603-3905.

Resolved Matters

As a courtesy to the Court, please contact Erica Thomas, the Court's judicial law clerk, via email at ccc.mfmlcalendar62@cookcountyl.gov or at (312) 603-3905, if any fully briefed matter has been resolved and will not be heard.

III. COURTESY COPIES

Movants must supply the court with copies of all documents relevant to the hearing, including pleadings. Except for emergency motions, the documents must be delivered to the court no later than **seven (7) court days**, prior to the scheduled date of presentment. Courtesy copies are to be delivered electronically via e-mail to ccc.mfmlcalendar62@cookcountyl.gov.

Formatting Courtesy Copies

- A case file name should be labeled as the last two digits of the year, followed by the remaining case number. A space must be included before and after CH. When labeling the documents, be sure to include all five digits.
- Please do not include any “internal” file numbers of the law firm submitting the courtesy copies.
 - EXAMPLE: 23 CH 00123-Courtesy Copies
 - EXAMPLE: 27 CH 00456-Proposed Order
- The proposed order must not place the judge’s name on a stand-alone page.

Emailing Courtesy Copies

When e-mailing courtesy copies, parties must strictly adhere to the following guidelines:

- The subject line of the e-mail must include only the case number, the case name, and the court date (e.g., 23 CH 01234 *State Bank v. Canipsy* 5/15/2023). For routine motions, please indicate “off call” instead of the court date.
- The body of the email should include a brief description of the case to be heard.
- Attachments to the e-mail should be in PDF form only.
- All motions must be in ONE Bookmarked/tabbed PDF file with all supporting documents. Each motion must be clearly titled and well-organized. Each bookmark/tab must be clearly titled (e.g., Notice of Motion, Complaint, Service Affidavits, Motion for Default, etc.) and neatly organized. PDFs without bookmarks/tabs should include a table of contents providing page numbers for each referenced pleading submitted to the Court.
- Proposed orders must be attached as a separate PDF attachment in the same courtesy copy e-mail and clearly labeled as mentioned above. Multiple proposed orders should also be submitted together **in ONE PDF** attachment.

Entering Orders

Upon the conclusion of a court call, attorneys must provide an Order to the court within 48 hours after an Order has been granted by the court.

IV. SELF-REPRESENTED LITIGANTS

A party that represents itself without an attorney is a pro se litigant, also known as a self-represented litigant. Self-Represented litigants must comply with the Illinois Code of Civil Procedure, the Illinois Mortgage Foreclosure Act, the Illinois Supreme Court Rules, the Circuit Court of Cook County Rules, and Standing Orders. These rules can be found online at <https://www.illinoiscourts.gov/supreme-court-rules>, and in book form in the Cook County Law Library in the Richard J. Daley Center (29th Floor)

Resources

The Circuit Court of Cook County provides the following resources for self-represented litigants:

Cook County Legal Aid for Housing & Debt: <https://www.cookcountylegalaid.org/>

“A Handbook for Free or Low-Cost Legal Services:” and

“A Resource Guide for Self-Represented Litigants in Mortgage Foreclosure Cases.

Additional legal resources for self-represented litigants may be found by clicking on the following links:

Chicago Volunteer Legal Services	https://www.cvlis.org
Neighborhood Housing Services of Chicago	https://www.nhschicago.org
Lawyers Committee for Better Housing	https://www.lcbh.org
Greater Chicago Legal Clinic	https://www.gclclaw.org
Spanish Coalition for Housing	https://www.sc4housing.org
Chicago Urban League	https://www.chiul.org
South Suburban Housing Center	https://www.southsuburbanhousingcenter.org
Illinois Legal Aid Online	https://www.illinoislegalaid.org
Legal Aid Chicago	https://legalaidchicago.org
Metropolitan Family Services	https://metrofamily.org/legal-aid-society
HANA Center	https://www.hanacenter.org
Northwest Side Housing Center	https://www.northwestcenterchicago.org

V. CASE MANAGEMENT CONFERENCES

Case Management Conferences are held at 9:30 a.m. daily during the Court’s Case Management Call. At the first appearance, the parties should be prepared to inform the Court regarding the following:

- Service of process upon each defendant;
- Status of the pleadings;
- Any pending or contemplated motions; and
- Any contemplated discovery.

**VI. TIME STANDARDS FOR THE DISPOSITION OF
MORTGAGE FORECLOSURE CASES IN
ILLINOIS**

The Illinois Supreme Court has established time standards for the disposition of mortgage foreclosure within specific timeframes. The period set forth for mortgage foreclosure cases is three (3) years from the date of institution of the case. Therefore, effective for cases filed on or after July 2022, the following timeline shall be followed for discovery and filing of dispositive motions:

DISCOVERY SCHEDULE — MONTHS AFTER ENTRY OF ORDER 4331		
#	Milestone / Deadline	Months After Entry of Order 4331
1	Written discovery completed no later than	8 months
2	Oral discovery completed no later than	14 months
3	Disclosure of expert witnesses is completed no later than	15 months
4	Expert witness discovery completed no later than	17 months
5	All discovery completed and all final dispositive motions filed no later than	20 months
6	Set for trial no later than	24 months

I. DISCOVERY

Any matter coming before the Court for a case management conference pursuant to Illinois Supreme Court Rule 218, where the Court is fully advised in the premises, the Court may strike the case from the case management call (“4331”) and, by separate order of the Court, enter a timeline for discovery order.

The parties shall comply with the above-referenced timeline for discovery, filing of dispositive motions, and setting the case for trial. This Order does not alter the application of Illinois Supreme Court Rule 218. The Court retains the authority to modify this order, for “good cause,” on its own motion or by a motion of a party, where appropriate.

II. MOTION TYPES AND FORMATTING

Deceased Mortgagors/Motion to Appoint a Special Representative

In the case, ABN AMRO Mortgage Group, Inc. v. McGahan, 237 Ill. 2d 526, 931 N.E. 2d 1190 (2010), the Illinois Appellate Court held that appointing a Special Representative under 735 ILCS 5/13- 209 of the Code of Civil Procedure was “necessary in order to obtain subject matter jurisdiction in mortgage foreclosure cases, where the mortgagor was deceased.”

Citation to Discover Assets

Citations to Discover Assets are heard in the Law Division (Tax Section) of the Circuit Court of Cook County. In order to properly transfer matters to the Law Division, Judge Perkins will sign a transfer order upon presentation of the proper motion. A hearing date may be obtained from the Clerk's Office in Room #802, and proper notice of the hearing must be sent to all parties of record. Courtesy copies should be provided to the court. Transfer requests will not be entertained or entered "off call."

Labeling of Special Motions

Joint, uncontested, and agreed motions should be identified as such in the title and body of the motion. The caption must include the Plaintiff(s), Defendant(s), and Case No. and Calendar No. and the judge's name

III. NON-CONTESTED MOTIONS

Default Call

If no court appearance or answer to the complaint has been filed by a non-movant mortgagor, the following motions may be scheduled for presentment on the court's 9:30 a.m. Default Call:

- To Amend Complaint;
- To strike a case management date;
- To Substitute Parties or Attorneys;
- To Add or Dismiss a Party;
- For entry of an order of default judgment of foreclosure and sale;
- To shorten the redemption period, with a sworn affidavit of vacant or abandoned property;
- To prove up the lien of a junior lien holder;
- To amend the judgment of foreclosure and sale;
- To appoint a judicial selling officer;
- For an Order Approving Sale and for Order of Possession.

Service by Publication Affidavit

Proof of service by publication must be accompanied by a sworn affidavit. Service by publication must be in strict compliance with the Cook County Circuit Rule 7.3.

Motion for Service by Special Order of Court

All motions for service by special order of court pursuant to 735 ILCS 5/2-203.1 shall be accompanied with an affidavit stating the nature and extent of the investigation made to determine the whereabouts of the defendant and the reasons why service is impractical under items (1) AND (2) of subsection (a) of Section 2-203, including a SPECIFIC statement showing that a diligent inquiry as to the location of the individual defendant was made and reasonable efforts to obtain service of process has been unsuccessful.

"Off-Call" Motions

If no court appearance, answer to the complaint, 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:

- Agreed Continuances;
- Motion for Voluntary Dismissal*;
- Motion to Substitute Attorney;
- Petitions for Special Representative Fees; and
- Motions for Substitution of Judge as a Matter-of-Right.
- Agreed Orders may be presented in court or off call, if accompanied by a stipulation and signed by all the parties or their attorneys.

Please submit all such Orders in a PDF format and include a sentence striking any previously set court date, where applicable.

*Motion for Voluntary Dismissal of a Case in its **entirety** - A motion to voluntarily dismiss that is presented "off" call must set forth the following: (1) make an affirmative

statement that there are no pending cross claims or counter claims; (2) strike any future scheduled court dates; and (3) be properly filed with the Clerk of the Circuit Court.

“Piggy Backing” Motions

“Piggybacking” a motion onto a previously scheduled court date in the same case is only allowed with prior leave of court. Parties may request leave to piggyback a motion while in court for a hearing or by emailing the Judge’s chamber staff **seven (7) days** in advance of the requested date. Generally, Motions to Substitute a Party or Motions to Substitute an Attorney, Motions to Withdraw as Counsel, and Motions for Extension of Time may be piggybacked onto existing motion dates. No piggybacking is permitted on the case management conference call or Motions to Appoint Receiver

IV. CONTESTED MOTIONS

Bankruptcy

Plaintiff’s Attorneys are required to include with Motions for Judgment of Foreclosure and Sale and Motions for Entry of Order Approving Sale and for an Order of Possession, a printout that indicates evidence that the plaintiff’s attorney has conducted an inquiry with the Clerk’s Office to determine whether the mortgagor has filed a petition for bankruptcy in the U.S District Bankruptcy Court of the Northern District of Illinois – Eastern Division.

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:

1. Notice of Motion(s);
2. Complaint with Mortgage and Note;
3. All motions noticed for presentment (i.e., Motion for Default, Motion for Judgment of Foreclosure, Motion to Appoint Selling Officer, etc.) must be signed by an attorney as required by Supreme Court Rule 147 (with the name readably printed, typed, or stamped to indent the signature);
4. Affidavit of Military Service, with attached U.S. Department of Defense website printout current within six (6) months;
5. A signed affidavit of proof attached to and incorporated by express reference within the motion for default and/or foreclosure; and
6. Affidavit of attorney’s fees and costs (attorney’s fees sought, in excess of \$2,750.00, must be supported by a time and task affidavit).

B. Hearing

For hearing, movants must deliver to the court copies of the following documents, no later than **seven (7) court days** prior to presentment:

1. Notice of Motion(s);

2. Complaint (bearing the clerk's file stamp showing the initial date of filing with the Note and the Mortgage, and all exhibits attached);
3. Any and all assignments or merger/successor documents applicable, demonstrating the movant's standing to foreclose;
4. Certificate of Service of Process with attached returns demonstrating proof of service on all defendants;
5. All appearances and responsive pleadings;
6. Proposed orders; (Note: **The judgment of foreclosure order 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.**)
7. Affidavit, Illinois Supreme Court Rule 113/191 Affidavit;
8. Loss Mitigation Affidavit pursuant to Ill. S. Ct. Rule 114, if applicable.

An affidavit will not be required for a consent foreclosure or in a case where the defendant has not filed an appearance with the Clerk of the Circuit Court.

C. Briefs

The Court's form order should be used for a briefing schedule on any contested motions. There is a fifteen-page limit on motions and briefs in support of the motions, along with response briefs. Collectively, the motion and brief must fit within the 15-page limit. There is a ten-page limit for Reply Briefs. These page limitations exclude attached pleadings and exhibits. All briefs should be double-spaced with twelve-inch point and "Times New Roman" font, with one (1) inch margins. All exhibits must be page-numbered and tabbed.

D. Oral Arguments

Oral Arguments on contested motions, evidentiary hearings, and bench trials shall be held via remote video proceedings, unless the parties seek an in-person hearing. Upon request, an in-person hearing will be conducted.

V. MOTION FOR ORDER TO CONFIRM A JUDICIAL SALE

1. Presentment and Hearing

Movants must deliver to the court copies of the following documents, no later than **seven (7) court days** prior to presentment:

1. Notice of Motion with Certificate of Service;
2. Motion for Order to Approve/Confirm Judicial Sale (which must include a description of the property, date of last inspection, and certificate holder's contact information);
3. Motion for Immediate Possession, with vacancy affidavit and photographs that indicate vacancy, if seeking immediate possession;
4. Notice of Sale;

5. Judicial Selling Officer's Report of Sale and Distribution;
6. Affidavit of Proof of Notice of Sale by Publication, with publications attached;
7. Receipt of Sale;
8. Certificate of Sale; and
9. Proposed Order.
 - a. The following terms and provisions must be included, where applicable:
 - b. The movant shall mail a copy of the order within seven (7) days to the last known address of the mortgagor.
 - c. In the case of a surplus: (a.) the selling officer shall immediately turn over surplus funds to the Clerk of the Circuit; and (b.) counsel for the movant shall notify the mortgagor, by letter, of the surplus, specifying that the funds may be obtained by petition and notifying the mortgagor as to the procedures for doing so. Counsel for the movant must include the official court surplus request form with the notification.

2. Personal Deficiency Judgment

If the plaintiff is seeking a personal deficiency judgment, the court requires the following additional documents:

1. Mortgage Foreclosure Complaint, with all exhibits;
2. Judgment of Foreclosure;
3. Affidavit of Service of Process on the defendant, who is claimed to be personally liable;
4. Broker's Price Opinion ("BPO") or Appraisal;
5. Memorandum of Judgment (if any); and
6. Copies of all of these documents, including the "BPO," must be filed with the Clerk of the Court and communicated to the parties.

3. Order of Possession

All Motions for Order of Possession and proposed orders must include the following:

1. Complete Caption of the case;
2. Identify the type of property involved (i.e., single-family residence, 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 defendants in the complaint; and
5. In the case of a multi-unit property where the purchaser is seeking possession of the building, specify that possession extends only to the building and not individual units.

VI. MOTION TO APPOINT A RECEIVER OR TO PLACE A MORTGAGEE-IN- POSSESSION

Pursuant to Chancery Division General Administration Order No. 2014-01, Motions to Appoint a Receiver or Mortgagee in Possession must be scheduled with the Judicial Law Clerk via phone at (312) 603-3914. After obtaining a date from the law clerk, the motion and notice of motion must be filed with the clerk's office. Notice must be given in accordance with the Illinois Code of Civil Procedure. Only individual natural people, as opposed to companies, will be appointed as receivers. The movant must submit courtesy copies ***seven (7) court days*** in advance of the hearing date.

Motions to Appoint a Receiver must include the following exhibits:

1. The Complaint, with mortgage and note;
2. Resume of the proposed receiver, including his/her rates of compensation
3. Specific reference to the complaint or to the mortgage provision authorizing appointment of a Receiver;
4. Proof of service of either the complaint or the motion on the defendants in the manner required pursuant to Section 15-1706 (d) of the Illinois Mortgage Foreclosure Act; and
5. Proposed order.

Receiver's Presence in Court Required

The Court requires that either the Receiver or a representative from his or her office be present for the Motion to Appoint Receiver and all future court dates relating to the receivership. The Receiver must comply with the Instructions for Receivers in Mortgage Foreclosure Cases. A copy of the instructions is available in Courtroom 2801 as well as in electronic form through the Circuit Court of Cook County's website. The Court requires strict compliance with the "Instructions for Receivers in Mortgage Foreclosure Cases."

Receiver's Bond

The order appointing the receiver will not become effective until the Court has approved the bond. The bond must be issued by a court-approved surety and signed by a court-approved attorney-in-fact for that surety and a signature block for the judge.

VII. EMERGENCY MOTIONS

Scheduling Emergency Motions in Mortgage Foreclosure Cases

The movant must comply with the General Administration Order No. 2018-05 regarding Mortgage Foreclosure Emergency Motion Procedures. Emergency Motions are heard on Calendar 62, Monday through Thursday at 9:30 a.m. in Courtroom 2808 of the Richard J. Daley Center (virtually via Zoom).

A copy of the proposed Emergency Motion must be emailed to Calendar 62 email by 4:00 p.m. the day before the desired date of presentment. The judicial law clerk will

forward the proposed motion to the court, which will determine if the motion will be placed on the emergency call. No Notice of Motion should be sent to any opposing party until the motion has been cleared for placement on the judge's emergency call. Movant must have an Appearance on file with the Clerk of the Circuit Court before presenting the Emergency Motion to the Judge's Law Clerk.

Emergency Motions in Mortgage Foreclosure Cases

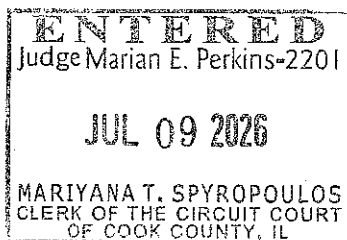
An Emergency Motion must involve some circumstances that could lead to irreparable damage to a party if relief is not obtained before the party can be heard on the regular motion call. *See Nagel v. Gerald Deneen Co.* 272 Ill. App. 3d 516, 519-20, 650 N.E. 2d 547, 550 (1st Dist. 1995) defining "emergencies." The most common emergency motions in mortgage foreclosure cases are:

1. **Emergency Motions to Stay Judicial Sale** – This emergency motion should fully inform the court of all the relevant facts and circumstances, including the following: (1) the property address; (2) when the case was filed; (3) when the defendants were served; (4) when the foreclosure order was entered; (5) the originally scheduled date of the sale; (6) whether any previous stay orders were entered; and (7) whether the sale will fall outside of the publication date. All documents relevant to the request should be attached to the motion, e.g., short sale contracts, loan modifications.
2. **Emergency Motion to Stay Possession** – This emergency motion must include the date of the entry of the judgment of foreclosure, the possession expiration date, and whether the party previously sought a stay.
3. **Emergency Motion to Appoint Receiver/Mortgagee in Possession** – This emergency motion will only be heard when the verified motion contains factual allegations indicating an immediate health or safety threat.
4. **Emergency Petition to Intervene** – An Emergency Petition to Intervene will only be heard if the petitioner can establish that he/ she is a "necessary" party as defined in the Illinois Mortgage Foreclosure Act.

IT IS SO ORDERED:

Date:

ENTERED:



A handwritten signature in cursive script, reading "Marian E. Perkins". The signature is written in dark ink and is positioned above the printed name of the judge.

**Honorable Marian E. Perkins
Circuit Court Judge of Cook County**