

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

**AMENDED AND RESTATED STANDING ORDER**

**Judge Lynn Weaver Boyle  
Calendar 63, Courtroom 2810**

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**Judicial Law Clerk:**

**Gerta Agalliu**  
[gerta.agalliu@cookcountvil.gov](mailto:gerta.agalliu@cookcountvil.gov)  
**(312) 603-3885**  
**(E-MAIL PREFERRED)**

**Courtesy Copies E-mail:**

[ccc.mfmlcalendar63@cookcountvil.gov](mailto:ccc.mfmlcalendar63@cookcountvil.gov)

**General Phone Number:**

**(312) 603-3914**

**Zoom Information:**

**Meeting ID: 951 2497 0611**  
**Passcode: 051684**  
**Zoom Conference Call Number: (312) 626-6799**

This order is effective June 8, 2022 and amends and restates all prior standing orders for Calendar 63. This order supplements the Illinois Code of Civil Procedure, Illinois Supreme Court Rules, Circuit Court of Cook County Rules, Circuit Court of Cook County General Orders, Mortgage Foreclosure/Mechanic’s Lien Section (“MF/ML”) Courtroom Procedures, and all Chancery Division Rules.

**GENERALLY**

All pleadings must contain the entire case caption, calendar number, and property address. All service notices must include each attorney or *pro se* litigant’s address, telephone number and e-mail address. Pursuant to Illinois Supreme Court Rule 11(b), a self-represented litigant who has an e-mail address must designate a single e-mail address to which service may be directed and include that e-mail address on all court documents and correspondence.

No party may appear without having previously filed an appearance (Ill. S. Ct. Rule 13(c); Cir. Ct. R. 1.4(a)); the only exception is for a petition to intervene. A party not represented by an attorney – a *pro se* litigant – will receive no preferential treatment and must comply with all applicable statutes and rules. *Pro se* litigants may seek assistance at the Foreclosure Advice Desk, located on

the Concourse Level, Room # CL-16, of the Daley Center. The Foreclosure Help Desk offers services on a first come, first served basis. No appointments and no phone number is provided. Help Desk Hours are 8:30 AM to 3:30 PM Monday-Friday, except court holidays.

**ADDITIONAL RESOURCES FOR SELF-REPRESENTED (PROSE) LITIGANTS**

CARPLS Legal Aid Hotline - Talk to a lawyer for free legal advice and referrals to more help. Call (312) 738-9200 or visit [carpls.org](http://carpls.org) for further assistance.

Illinois Legal Aid Online - Apply for free legal aid at [www.illinoislegalaid.org](http://www.illinoislegalaid.org).

Chicago Volunteer Legal Services (CVLS) - Deceased borrower consultation hotline and federally-backed mortgage borrowers who have been affected by COVID-19. Call (312) 332-8785 or e-mail [covid@cvls.org](mailto:covid@cvls.org) or [cvls@cvls.org](mailto:cvls@cvls.org).

For more free or low-cost legal assistance, please refer to the following link for a complete handout: [\[REDACTED\]](#)

**REGULAR ZOOM HEARING COURT CALLS**

<b>Contested Motions Call:</b>	<b>Monday- Thursday</b>	<b>11:00 A.M</b>
<b>Default Motions Call:</b>	<b>Monday- Thursday</b>	<b>3:00 P.M</b>
<b>Emergency Motions:</b>	<b>Monday- Thursday</b>	<b>11:00 A.M</b>

**In the event a litigant or attorney is unable to connect to Judge Weaver Boyle’s Zoom hearing call, please immediately call (312) 603-3914 and/or e-mail [ccc.mfmlcalendar63@cookcountyil.gov](mailto:ccc.mfmlcalendar63@cookcountyil.gov) to let the Court know of your difficulty in connecting with the Zoom hearing call.**

**Zoom download instructions can be found at:**  
[\[REDACTED\]](#)

**DO NOT COME TO COURT IN PERSON! NO IN COURT HEARINGS WILL BE CONDUCTED UNTIL FURTHER ORDER OF COURT. ALL COURT HEARINGS WILL BE CONDUCTED VIA ZOOM UNTIL FURTHER NOTICE.**

### REQUESTS FOR ZOOM HEARING “TEST RUN”

The Court will work with *pro se* litigants to assist them with the process of accessing Judge Weaver Boyle’s Zoom hearing call. Each *pro se* litigant may contact (312) 603-3914 to conduct a one-time “test run” to prepare to access Judge Weaver Boyle’s Zoom hearing call. Appointments must be made at least three business days prior to the *pro se* litigant’s scheduled court date. If a *pro se* party makes an appointment for a Zoom meeting “test run”, they must keep that appointment or call (312) 603-3914 to notify the Court if they would like to cancel or reschedule the “test run”.

### CASE MANAGEMENT

Case management conferences are scheduled on the court’s default motions call (**Monday, Tuesday, Wednesday, Thursday at 3:00 PM**). No default judgments may be entered prior to case management being stricken by the court. This shall apply to residential and commercial properties. Noticing up motions for judgment prior to a continued case management conference is strictly prohibited. Contested motions may not be presented at a case management conference, and **no motions may be piggy-backed onto a case management conference without contacting Judge Weaver Boyle’s law clerk via e-mail for permission.**

### MOTIONS

A motion to appoint a special process server must contain the process server’s name, employer, and license number. A motion to issue an alias summons must state when the summons will issue and identify the person on whom it is being issued. Motions for leave to amend or to file third-party claims must specify what is being amended and attach a proposed filing.

A party may present a motion on a date and at a time previously scheduled for the presentment of another motion or at a hearing (“piggy-backing”) **only** after obtaining leave from Judge Weaver Boyle’s law clerk, providing courtesy copies, and giving proper notice of the motion to all parties entitled to notice.

In the interest of fairness, piggy-backing of dispositive motions to existing hearing dates will generally not be permitted if the scheduled hearing date is less than 14 days from the date the law clerk is contacted.

Dispositive motions brought pursuant to Code of Civil Procedure sections 2-1005, 2-619, and 2-301(b) will be screened for Rule 113 and/or Rule 191 compliance. A party seeking discovery before responding **must** provide *on the presentment day* an affidavit in strict compliance with Rule 191(b). Failure to do so may waive all discovery prior to a response.

**Motions to compel** compliance with discovery requests must strictly conform to Illinois Supreme Court Rule 201(k), which provides that "(e)very motion with respect to discovery shall incorporate

a statement that counsel responsible for trial of the case **after personal consultation and reasonable attempts to resolve differences** have been unable to reach an accord or that opposing counsel made himself or herself unavailable for personal consultation or was unreasonable in attempts to resolve differences." Unanswered letters, emails, or text messages to opposing counsel seeking to initiate a personal consultation regarding discovery disputes **do not themselves constitute a personal consultation**. As a result, motions pursuant to Rule 201(k) that are supported only by unresponded written communications will be stricken.

**Motions for leave to withdraw as counsel.** All motions of counsel for leave to withdraw must strictly conform to Supreme Court Rule 13(c)(2-4). Additionally, at presentment of the motion counsel must provide the court with proof of delivery of the motion on the defendant. Acceptable forms of proof of delivery include a signed return U.S. Postal Service certified mail receipt, or a print-out of tracking information showing delivery by any third-party delivery service.

**Motions and response briefs are limited to 15 pages, reply briefs are limited to 10 pages,** which must be double-spaced, exclusive of exhibits. **Pages must be numbered.** Citations must be to official reporters only and must comply with the most recent edition of "The Bluebook: A Uniform System of Citation."

#### **BRIEFING SCHEDULE**

All briefing schedules will provide a response date, a reply date, a date by which courtesy copies are due and a hearing date. No sur-responses may be filed without leave of court.

#### **COURTESY COPIES**

**\*\*\* PLEASE NOTE, THE FOLLOWING POLICIES ARE NEW \*\*\***

*Due to the high volume of cases and in an effort to maintain an orderly and organized docket, courtesy copies which are not both timely and properly submitted pursuant to the requirements set forth in this standing order will not be considered by the Court.*

*Courtesy copies which are not submitted in a SINGLE e-mail, in a neatly organized fashion, and as a SINGLE, tabbed PDF document with a SEPARATE SINGLE PDF document containing ALL proposed orders will not be considered by the Court.*

*The Court will not take action on the scheduled matter and will continue the matter to a new date subject to the Court's availability.*

*Additionally, the Court disfavors receiving courtesy copies more than 14 days in advance of any scheduled matter before the Court.*

*In order to guarantee receipt and to allow the Court sufficient time to review courtesy copies, all parties are ordered to follow the timeline for submitting courtesy copies as set forth in this standing order.*

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All courtesy copies, regardless of volume, should be e-mailed to [ccc.mfmlcalendar63@cookcountyil.gov](mailto:ccc.mfmlcalendar63@cookcountyil.gov). No paper courtesy copies will be accepted until further order of the court. Courtesy copies are due at least 7 days prior to the scheduled court date.

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., 20 CH 0001 PNC v Martin 12/30/2020). For routine motions, please indicate “off-call” instead of the court date.
- **\*\*\*NEW\*\*\*** *The body of the e-mail must include the case number, court date, and a brief description of the matter. (e.g., Attached are courtesy copies for December 30, 2020, for 20 CH 0001 (PNC v. Martin) up on Case Management/Judgment Motions/Order Approving Sale/Status on \_\_\_\_\_/Plaintiff’s or Defendant’s Motion to \_\_\_\_\_/etc.)*
- Please do not include any “internal” file numbers of the law firm submitting the courtesy copies.
- Attachments to the e-mail should be in **PDF form ONLY**. All motions must be in **ONE tabbed PDF file with all supporting documents**. Each tab must be **clearly titled** (e.g., Notice of Motion, Complaint, Service Affidavits, Motion for Default, etc.) and **neatly organized**.
- Proposed orders must be attached as a **separate PDF** attachment in the **same courtesy copy e-mail clearly titled** “Proposed Order(s)+ Case Number.” Multiple proposed orders should **all** be submitted **together in ONE PDF** attachment.
- Proposed orders shall contain the court’s e-mail address, phone number, and Zoom information.
- All parties who have filed an appearance must be carbon copied on courtesy copy e-mails. Failure to carbon copy any party who has filed an appearance in the case and provided an e-mail address may result in the striking of the motion.
- If attachments are too large to be attached in one e-mail, parties are encouraged to send the courtesy copies in a zipped file, a Dropbox Link or a Google Drive link. If none of these options are feasible, multiple e-mails are acceptable **only** if **conspicuously** labeled in the subject line and body of the e-mail. (e.g., Part 1 of 3, Part 2 of 3, etc.).
- No *ex parte* communication with the Court will be allowed over e-mail.

Unless otherwise agreed to by the parties, the **moving party** is to supply the Court with all courtesy copies, as well as the briefing schedule order. Failure of the moving party to tender courtesy copies will resolve in the motion/s being stricken by the court.

All other motions (initial presentment, continued motions, or not fully briefed motions) are to be submitted similarly **at least 7** days prior to the scheduled hearing date. The Court will not retain courtesy copies for continued motions. Courtesy copies should be re-submitted to the court's e-mail prior to each new court date.

**JUDGMENT OF FORECLOSURE (JOF) PACKET CONTENTS**

The Court requires that courtesy copy packets including a Motion for Judgment of Foreclosure and Sale shall include the following:

- Notice of Motion.
- Complaint, with all exhibits including Mortgage(s) and Note(s).
- Assignments and merger/successor documents, if any.
- Certificate of Service of Process, with proof of service on all defendants.
- Military Affidavit (as required by the Service-Member's Civil Relief Act).
- Notice to Residents of COVID-19 Declaration form.
- Proof of Sending the Notice of COVID-19 Declaration to each resident, mortgagor(s), and additional notice addressed to "Residents and Tenants" of the property. Said proof shall be in the form of an affidavit.
- Judgment Motions (default, judgment of foreclosure and sale, motion to appoint selling office, motion to shorten redemption, if applicable, etc.).
- Rule 113/191 Affidavit. A Plaintiff seeking property preservation fees must provide a breakdown of the fees, invoices relating thereto, and proof of payment thereof. Failure to provide a breakdown of the property preservation fees will result in striking of the motion or continuing the motion for 30-60 days to allow time for the plaintiff to comply.
- Loss Mitigation Affidavit (if applicable).
- Attorney Affidavit of fees and costs, if sought—including detailed billing if fees exceed \$2,700.
- Any motion seeking to reform the legal description of a property in a Mortgage, Note, or any Assignment thereof must comply with the General Administrative Order No. 2016-03 and clearly identify (1) the original legal description; (2) the correct legal description, specifically identifying the change(s) made; (3) the reason the legal description is different or was incorrect, as appropriate; and (4) evidentiary support for the change.

**\*\*\* The Rule 113/191 affidavit and loss mitigation affidavit shall have the affiant's signature and notary on the same page \*\*\***

- **Proposed Judgment of Foreclosure Orders**, which may include any language authorizing immediate possession; immediate possession is authorized by statute only after meeting statutory requirements and upon presentment of an appropriate motion. One example of prohibited language is: "That the parties hereto who shall be in possession of said premises, or any part thereof, including leaseholders, or any person who may have come into possession under them or any of them, since the inception of the mortgage or commencement of this suit, shall upon presentment of said Judicial/Sheriffs Deed of

Conveyance, surrender possession of said premises to said grantee, his representative or assigns, and in default of so doing, an Order of Possession shall issue."

**\*\*\* All requests for a sealed-bid auction must be presented by separate motion. \*\*\***

#### **ROUTINE MOTIONS**

Routine motions may be signed and entered outside the court's regular calls. The following motions are considered routine:

1. Motion to appoint a special process server.
2. Motion to voluntarily dismiss a case in its entirety.
3. Receiver's bond.
4. Agreed orders may be presented in court, or off-call when accompanied by a stipulation. Agreed orders may be heard at the beginning of the call if Judge Weaver Boyle's law clerk is notified before the beginning of the call. (Parties may send a message to the law clerk in Zoom chat to indicate that the parties have an agreement.)

#### **EMERGENCY MOTIONS**

An emergency motion may be brought only if there exists a sudden and unexpected circumstance that could result in irreparable harm, damage, or injury before the same motion could be heard on the regular call. Emergency motions must be brought in conformance with Circuit Court Rule 2.2. Emergency motions brought with less than 24-hour notice to opposing counsel will be denied outright absent a highly compelling justification.

Emergency motions will be heard only if the movant:

1. Submits copies of their filed emergency motion with supporting documents to [ccc.mfmlcalendar63@cookcountyil.gov](mailto:ccc.mfmlcalendar63@cookcountyil.gov) before 3:00 PM.
2. Indicates "Emergency Motion" in the subject line of the e-mail.
3. Include all parties on the e-mail.
4. Calls the law clerk after sending the emergency motion to the calendar's courtesy copy e-mail address to ensure prompt handling of the motion.
5. Files and submits notice of motion with the date and time of hearing given by the law clerk.
6. Notifies all other parties before 4:00 PM on the day the motion is filed via fax, e-mail, or hand-delivery.

Emergency motions to stay a judicial sale **must** include the sale date and time and **must** indicate whether the party previously sought a stay.

Emergency motions to stay possession **must** include the final judgment date, the possession expiration date, and whether the party previously sought a stay.

Emergency motions to appoint a receiver or mortgagee in possession may be brought **only if** the verified petition contains factual allegations indicating an immediate health or safety threat.

A party seeking to stay judicial sale based on a purchase contract or a short sale contract must provide the Court with a pre-approval letter for the buyer or any proof of funds if the sale contract does not contain a mortgage contingency provision.

A party seeking to stay judicial sale based on a completed loss mitigation application must provide the Court with proof that an application was submitted to the lender and/or that the lender has acknowledged receipt of a completed loss mitigation application.

Due to the nature of the emergency motion, the date and time on the notice of motion **may not be pre-selected by the moving party**. The law clerk will provide the date and time the emergency motion will be heard, depending on the availability of the Court.

### RECEIVER MOTIONS

Non-emergency Motions to Appoint a Receiver or Mortgagee in possession will be heard M- Th at 11:00 AM. After obtaining a presentment date and time from the clerk's system, **the movant must submit courtesy copies 7 days in advance of the hearing date**.

Motions to appoint a receiver will be heard only if the movant provides:

1. The complaint, mortgage, and note
2. A proposed receiver
3. Proposed receivers' current resume and fee schedule
4. Proof of service meeting all statutory requirements
5. A completed proposed form order

The presence of the proposed receiver is not required on presentment day. Once appointed, the receiver **MUST** be personally present at all hearings on receiver's reports, without exception, unless expressly excused by the Court. Only the receiver and/or their legal representatives are allowed to appear in court on behalf of the receiver.

A receiver bond **must** be issued by a court-approved surety and executed in compliance with all applicable court rules. The bond **must** have a raised seal, the receiver's signature, and a signature block for the judge. The bond must be signed by Judge Weaver Boyle and should not be filed in Room 802. After the bond is entered, the court clerk will file and enter the bond, and place a copy in the court file.



Once a receiver is appointed for a case, they **shall not**:

- Serve as a selling officer for the property;
- Provide a Broker's Price Opinion; or
- Act as a listing or selling broker (unless pursuant to a court approved listing agreement).

#### **MOTIONS TO APPROVE JUDICIAL SALE**

Motions seeking court approval of a judicial sale must meet all Mortgage Foreclosure Section rules and procedures. The Court requires that courtesy copy packets include the following:

1. Notice of Motion
2. Report of Sale
3. A Motion for Order Approving Sale
4. Motion for Immediate Possession (if sought)
5. Certificates of Publication
6. Receipt of Sale
7. Certificate(s) of Sale
8. Notice of Sale, including proof of mailing the Notice of Sale, and proof of e-mailing the notice of sale for all parties of record with an e-mail address pursuant to Amended S. Ct. Rule 113, and Rule 11 (c)
9. Proposed Order approving report of sale and granting possession

If a party seeks an *in personam* deficiency, the movant should **also** provide:

1. The complaint
2. The judgment of foreclosure
3. The proof of service on the defendant(s) against whom the deficiency is sought, or if said defendant(s) filed an appearance, a copy of their appearance
4. Two copies of a blank memorandum of judgment
5. A filed and signed broker's price opinion (BPO) from a licensed Illinois real estate broker or a filed and signed appraisal from a licensed Illinois appraiser of the value of the property prepared and executed by a disinterested third-party not greater than 60 days prior to the date of the judicial sale, unless otherwise ordered by Judge Weaver Boyle. The "BPO" shall not be a "comparative market analysis."

Copies of all documents listed above, including the BPO or appraisal, must be filed with the Clerk of the Court and provided to **all** parties prior to presentation of the motion to approve the judicial sale. The Court will not grant an *in personam* deficiency if a BPO or appraisal in compliance with this order is not provided to all parties prior to hearing and included in the courtesy copies.

The Court prefers that a memorandum of judgment be presented at the time the sale is confirmed. A memorandum may be submitted to be signed off call within 14 days after the confirmation of

sale, provided the plaintiff submits a stamped copy of the confirmation of sale. **Memoranda of judgment submitted beyond 14 days will not be signed off call.**

**\*\*\* Motions seeking approval of a judicial sale filed by third-party bidders must comply with the same requirements of motions filed by Plaintiffs and include all required documents. Failure to provide any of the required documents is grounds for denial of the motion. \*\*\***

In case of surplus, proposed orders **must** include the following language:

“When mailing a copy of this order approving sale, counsel for plaintiff shall notify the mortgagor, in a cover letter, of the existence of surplus funds. The cover letter shall specify that the funds may be obtained upon presentation to the Presiding Judge (Daley Center Room 2403) of a Petition for Turnover of Surplus Funds. A copy of the current petition form shall be included in the mailing.”

#### **CITATION TO DISCOVER ASSETS/POST-JUDGMENT COLLECTION MATTERS**

Citations to discover assets are heard in the Law Division (Tax Section). To properly transfer matters to the Law Division, Judge Weaver Boyle will sign a transfer order upon presentation of proper motion. A hearing date may be obtained from the clerk’s office in room 802 or via the e-filing system. Proper notice of hearing must be sent to all parties of record and courtesy copies should be provided to the court. Transfer requests will not be approved or entered off call.

#### **ORDERS**

Court-supplied, fill-in-the-blank orders should be used whenever possible. Proposed orders for each motion should be provided with the court’s courtesy copy and **should not be attached to any other document**. Dates certain, e.g., “January 27, 2017,” are required for redemption dates where applicable. Off call orders should not include a date by the signature block.

Proposed orders must contain any future hearing date's Zoom information, as well as the Calendar 63 email address, and the court's telephone number.

Signed, stamped orders sent to the prevailing party on a motion must be sent by that party to all opposing counsel and self-represented litigants. Counsels are advised to retain proof that such orders have been sent in accordance with this Standing Order.

**\*\*\*PLEASE NOTE, THE FOLLOWING POLICY IS NEW\*\*\***

*Due to the increasing volume and complexity of cases on the docket, the Court will no longer be providing copies of signed and entered orders to litigants. Please contact the Clerk of the Circuit*

*Court of Cook County at [courtesyorders2@cookcountycourt.com](mailto:courtesyorders2@cookcountycourt.com) to obtain a copy of any previously signed and entered order. We apologize for this inconvenience.*

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**Courtesy Calls to Chambers**

As a courtesy to the court, please contact Judge Weaver Boyle’s Judicial Law Clerk, Gerta Agalliu, at (312) 603-3885/ gerta.agalliu@cookcountyl.gov if any fully briefed matter has been resolved and the parties will not argue their briefs on the hearing date.

ENTERED: June 8, 2022

\_\_\_\_\_/s/ Judge

Judge Lynn Weaver Boyle