

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

AMENDED AND RESTATED STANDING ORDER

EFFECTIVE FEBRUARY 14, 2023

**Judge Edward N. Robles
Calendar 59
Courtroom 2801**

Judicial Law Clerk:

Lily Amberg
(312) 603-3878

Administrative Assistant:

Gisele Cravens-Brown
(312) 603-3893

Courtesy Copies Email:

ccc.mfmlcalendar59@cookcountyil.gov

10:00 AM Default Call Zoom Information:

Meeting ID: 995 3908 5711
Passcode: 370763

2:00 PM Contested Call Zoom:

Meeting ID: 998 9413 0037
Passcode: 187043

*If you do not have access to a smartphone or computer with zoom, you can call in to participate at (312) 626-6799.

- To gain full access via telephone, you will have to enter both the meeting ID and passcode when prompted.

This order is effective January 5, 2023, and amends and restates all prior standing orders for Calendar 59. 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, all Chancery Division Rules, and all applicable General Administrative Orders.

1. 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 email address. Pursuant to Illinois Supreme Court Rule 11(b), a self-represented litigant who has an email address must designate a single email address to which service may be directed and include that email 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 free assistance from IL Court Help by calling (between 9:00 AM - 2:00 PM) or texting (at any time) (833) 411-1121 or by visiting www.ilcourthelp.gov for copies of court forms, information on e-filing court documents, how to appeal a case, etc.

2. Additional Resources for Self-Represented (*Pro Se*) Litigants

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

Illinois Legal Aid Online - Apply for free legal aid at www.illinoislegalaid.org.

Chicago Volunteer Legal Services (CVLS) - If you inherited a property in foreclosure, you may call the CVLS deceased borrower consultation hotline at (312) 332-8785 or email cvls@cvls.org.

Mortgage Foreclosure Help Line – 855-452-2637

3. Regular Zoom Hearing Court Calls

Judge Robles's regular court calls take place via Zoom on the following days and times: Default

Motion Call:	Monday, Tuesday, Wednesday, Thursday	10:00 AM
Contested Motion Call:	Monday, Tuesday, Wednesday, Thursday	2:00 PM
Emergency Motions:	Monday, Tuesday, Wednesday, Thursday	10:00 AM

In the event a litigant or attorney is unable to connect to Judge Robles's Zoom hearing call, please IMMEDIATELY call (312) 603-3878 to let the Court know of your difficulty in connecting with the Zoom call.

DO NOT COME TO COURT IN PERSON!

NO IN-COURT HEARINGS WILL BE CONDUCTED UNLESS BY ORDER OF COURT

ALL COURT HEARINGS WILL BE CONDUCTED VIA ZOOM UNLESS BY ORDER OF COURT

4. Mandatory Zoom Hearing Rules

Remember, Zoom proceedings are still court proceedings! All persons appearing before the Court via Zoom shall conduct themselves accordingly. Conduct exhibited which is not fitting for a courtroom may result in the person being removed from the Zoom call and may potentially subject the person to appropriate sanctions at the Court's discretion.

- No person shall use a virtual background when appearing before the Court via Zoom to limit distractions. Blurring the background is acceptable for privacy concerns.
- No person shall be engaged in the act of driving a motor vehicle while appearing before the Court via Zoom. If a person appearing before the Court is in a motor vehicle, the vehicle shall be safely pulled over at the side of the road or parked. If the Court finds a person is engaged in the act of driving a motor vehicle while appearing before the Court via Zoom, the person will be ordered to safely pull over or park the motor vehicle and the case(s) for which the person is appearing will be passed to the end of the call to allow for compliance. Out of an abundance of caution, failure of the person to comply with the Court's order to safely pull over or park the motor vehicle will immediately result in the person being removed from the virtual courtroom.
- All persons appearing before the Court via Zoom shall remain on mute until the case for which the person is appearing is called.
- All persons appearing before the Court via Zoom shall unmute and turn on their video function once the case for which the person is appearing is called.
- All persons appearing before the Court via Zoom shall edit their name on Zoom to reflect the person's actual legal name. Names such as "John Doe's iPhone", "Samsung 1234", "John", or other inappropriate names are not permissible.
- Attorneys appearing before the Court via Zoom shall edit their name on Zoom to reflect the attorney's name as provided to the ARDC and shall also include the name of the law firm for which they are appearing (*e.g.*, John Doe - ABC Law Firm).
- Illinois Supreme Court Rule 44 prohibits "the photographic recording, digital capturing, or other recording of a [Zoom] proceeding except [...] by the court or at the court's discretion". This prohibition "includes the audio or video transmissions or recordings made by telephones, personal data assistants, laptop computers, and other wired or wireless data transmission and recording devices."
- Failure of any party to adhere to the prohibitions set forth in Illinois Supreme Court Rule 44 will subject the violator to appropriate sanctions by the Court and/or penalties for contempt of court.

5. Requests for a Foreign Language Interpreter

If you require a foreign language interpreter, please either call or email the law clerk before your court date, message the law clerk using the chat function in Zoom when in court, or inform Judge Robles when your case is called.

Spanish and Polish interpreters are generally immediately available upon request.

For other languages, please notify the law clerk at least 72 hours prior to your court date so the Court may arrange for an interpreter to be present for the requested language.

6. Required Attachments

Pursuant to General Administrative Order No. 2022-03:

All notices of motion and notices of initial case management must include a copy of all four pages of the required Zoom instructions in English and Spanish.

Failure to strictly comply with General Administrative Order No. 2022-03 shall result in the case being continued to a new date subject to the Court's availability.

7. Case Management and Discovery

Case management conferences are scheduled on the Court's default motion call (Monday, Tuesday, Wednesday, or Thursday at 10:00 AM).

No judgments may be entered prior to case management being stricken by the Court (4331). This shall apply to residential and commercial properties. Noticing up motions for judgment prior to a continued case management conference is strictly prohibited.

Under no circumstance may any contested motion or any judgment motion be presented at a case management conference, and **no routine motion may be piggy-backed onto a case management conference without first contacting Judge Robles's law clerk via email or phone for permission.** When requesting to piggyback a motion, the party requesting the piggyback must provide what the motion is up that day. "Requesting to piggyback onto hearing on January 14" will not suffice.

The Illinois Supreme Court has established new standards for disposition of mortgage foreclosure cases 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 instituted on or after July 1, 2022, the following timeline shall be followed for discovery and filing of dispositive motions:

- Upon entry of an order striking the case from case management (4331), the Court will concurrently enter a pre-trial timeline in which the parties shall have:

- 8 months to complete written discovery;
- 14 months to complete oral discovery;
- 15 months to complete disclosure of expert witnesses; and
- 17 months to complete expert witness discovery.
- The parties may file dispositive motions at any point after the entry of the order striking the case from case management (4331); however, ALL dispositive motions from ALL parties shall be filed no later than 20 months after the entry of the order striking the case from case management (4331).
- As the need arises, the case shall be set for trial no later than 24 months upon entry of the order striking the case from case management (4331).
- The order striking the case from case management (4331) shall be included as an exhibit to all dispositive motions and a statement shall be made in the filed motion that the motion complies with this timeline.
- The parties may use the time for discovery to conduct loss mitigation and settlement discussions if the case is “on loss mitigation hold,” but the timeline will continue to run and will not be tolled or stayed unless done so by order of court.
- The Court retains the authority to modify this timeline for good cause on its own motion or by a motion of a party where appropriate.
- Failure to follow this timeline may be a basis for Illinois Supreme Court Rule 219(c) sanctions or may result in the case being dismissed *sua sponte* for want of prosecution.
- Any deliberate and obvious attempt by a party to delay the prosecution of a case by filing frivolous motions shall subject the motion to being facially stricken and potentially subject the movant to appropriate sanctions, at the Court’s discretion.

8. 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.

A motion 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 Robles’s law clerk, providing courtesy copies, and giving proper notice of the motion to all parties entitled to notice. When requesting to piggyback a motion, the party requesting the piggyback must provide what the motion is up that day. “Requesting to piggyback onto hearing on January 14” will not suffice.

Motions and briefs are limited to 15 pages, double-spaced, exclusive of exhibits. Citations must be to official reporters only and must comply with the most recent edition of “The Bluebook: A Uniform System of Citation.”

9. Compliance with General Administrative Order No. 2021-09

Pursuant to General Administrative Order No. 2021-09:

Any plaintiff that is

- (1) seeking a default judgment of foreclosure or an order approving sale,
- (2) where service was had on the mortgagor(s) over two years ago,
- (3) and the mortgagor(s) has/have not filed an appearance

must represent in the body of the motion itself, in an affidavit attached to the motion as an exhibit, or in a statement as an officer of the court in open court that

- (1) the address whereupon service was had is still the mortgagor(s) current address and
- (2) the mortgagor(s) is not deceased.

If the address whereupon service was had has changed, the plaintiff must serve the notice of motion at the mortgagor(s) current address before entry of an order on the subject motion.

If the mortgagor(s) is/are deceased, then the plaintiff must have a special representative appointed in accordance with General Administrative Order No. 2015-02.

10. Briefing Schedules

All briefing schedules will provide a response time, reply time, and a date by which courtesy copies are due. No hearing date will be set until after submission of the courtesy copies to the Court and by request of either or both parties for oral arguments. If no oral arguments are requested, the courtesy copy email must indicate that both sides are resting on their briefs. Judge Robles will render a ruling on the briefs after receiving a full set of briefs (i.e., Motion, Response, Reply and any supporting exhibits/affidavits). If oral arguments are requested, a hearing date will be set by the court.

In the event oral arguments are entered and continued generally or for any other reason not heard and continued from the originally scheduled hearing date without setting a new hearing date, the movant may not simply re-notice the previously fully briefed motion for hearing without first filing a motion to set a new hearing date or contacting the Court's law clerk to achieve the same. Rescheduled hearings will only be held if a court order sets the hearing date. Such orders may be entered off-call.

11. Courtesy Copies

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 email, 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.

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.

All courtesy copies, regardless of volume, shall be emailed to ccc.mfmlcalendar59@cookcountyil.gov.

No paper courtesy copies will be accepted until further order of the court.

All courtesy copies, regardless of the type of motion being heard are due 7 business days before the scheduled court date.

When emailing courtesy copies, parties must strictly adhere to the following guidelines:

- The subject line of the email must include only the case number, the case name, and the court date (e.g., 23-CH-00000 PNC v. Martin 8/29/2022).
 - For routine motions, please indicate “off-call” instead of the court date.
 - For revised orders submitted after a hearing date, please indicate “Revised Order – [Court Date] Bank v. Washington”
- The body of the email must include the case number, court date, time of hearing, and a brief description of the matter (e.g., Attached are courtesy copies for August 29, 2022, hearing for 22-CH- 00000 (PNC v. Martin) up on Case Management/Judgment Motions/Order Approving Sale/Status on _____/Plaintiff’s or Defendant’s Motion to /etc.) at 10:00 a.m./2:00 p.m.
- Please do NOT include any “internal” file numbers of the law firm submitting the courtesy copies.
- Attachments to the email 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 email clearly titled** “Proposed Order(s).” Multiple proposed orders should **all** be submitted **together in ONE PDF** attachment.
- Proposed orders shall contain the court’s email address, phone number, and Zoom information.
- Case Management Orders shall be a maximum of 2 pages in length and must only contain the caption of the case and the plaintiff’s law firm information. Pre-checked orders or orders with Judge Robles’s name pre-typed in the signature line will not be accepted or signed.
- Orders with the Judge’s signature line on a separate page will not be considered. Each order must contain some text of the order on the page with Judge Robles’s signature.
- All parties who have filed an appearance must be carbon copied on courtesy copy emails. Failure to carbon copy any party who has filed an appearance in the case and provided an email address may result in the striking of the motion.
- If attachments are too large to be attached in one email, movants may send the courtesy copies in a zipped file, a Dropbox link, a Google Drive link, or other similar format. If none of these options are feasible, multiple emails are acceptable **only if conspicuously** labeled in the subject line and body of the email (e.g., Part 1 of 3, Part 2 of 3, etc.).
- No *ex parte* communication with the Court will be allowed over email.

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 and any other relevant order(s) necessary for the Court to have a better understanding of the case's procedural history. The Court does not hear oral argument except at the court's discretion. Failure of the moving party to tender courtesy copies within this deadline is grounds for denial of the motion.

Unless otherwise directed, the Court will not retain courtesy copies for continued motions. A fresh set of courtesy copies shall be re-submitted to the court's email prior to each new court date.

12. Judgment of Foreclosure Packet Contents

Courtesy copy packets including a Motion for Entry of Judgment of Foreclosure and Sale shall include the following:

- Notice of Motion with Zoom Instructions attached
- 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
 - All affidavits for service by publication must be accompanied by a sworn affidavit and in compliance with Cook County Circuit Court Rule 7.3.
- Order striking the case from case management
- Military Affidavit (as required by the Service-Member's Civil Relief Act) dated no earlier than 6 months prior to the presentment date
- All Judgment Motions (default, dismiss unknowns parties, entry of judgment of foreclosure and sale, motion to appoint selling officer, motion to shorten redemption, etc.)
- Rule 113/191 Affidavit with payment history attached (if applicable) dated no earlier than 6 months prior to the presentment date
- 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 pursuant to Illinois Supreme Court Rule 114 (if applicable) dated no earlier than 6 months prior to the presentment date
- Affidavit of Attorney Fees and Costs (if sought) including a detailed billing of attorneys' fees in excess of \$3,200
- Any motion seeking to reform the legal description of a property in a Deed, Mortgage, 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 prove up affidavit and Rule 114 loss mitigation affidavit shall have the affiant's signature and notary on the same page *****

- Proposed **Judgment of Foreclosure and Sale** orders **MAY NOT** 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/Sheriff’s 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. *****

***** Plaintiff shall notice up ALL judgment motions (*inter alia*, Motions to dismiss unknown parties or other defendants, default, summary judgment, judgment of foreclosure, appoint selling officer, reformation of mortgage or deed) simultaneously. *****

***** Moving for judgment in a piecemeal fashion against separate litigants is strictly PROHIBITED. *****

***** A Plaintiff seeking a judgment of foreclosure pursuant to 735 ILCS 5/15-1506 SHALL file a separate motion for entry of judgment of foreclosure with all supporting documents required by law attached thereto. Movant for judgment of foreclosure may NOT integrate a motion for entry of judgment of foreclosure into a motion for summary judgment, default, or any other judgment motion. *****

12.1 Judgment of Foreclosure Order Amount Due Breakdown

Judgment of Foreclosure Orders MUST clearly list and break down attorney's fees, costs, principal, interest, per diem, etc. as individual line items corresponding to the exhibits included in the courtesy copy packet such as the Prove Up Affidavit and the Affidavit of Attorney Fees and Costs. The total amount due must still be listed; however, that amount must be broken down into its component parts.

Additionally, attorney's fees and costs should be listed in the Judgment of Foreclosure as two separate numbers, and each line item must match the Affidavit of Attorney Fees and Costs. Affidavits of Attorney Fees and Costs should also have two separate amounts listed somewhere within them, one for the Total Attorney's Fees (and a time and task if over \$3,200) and another for the Total Costs. These numbers can then be totaled together for the Total Fees and Costs in the Affidavit.

Single sum total dollar amounts or incomplete breakdowns as described herein in Judgment of Foreclosure Orders without a clear and thorough breakdown of where and how these figures were derived are NOT acceptable. Noncompliant orders will not be entered. 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.

An example of an appropriate breakdown in a Judgment of Foreclosure Order:

Principal	\$123,456.78
Accrued Interest Through (DATE).....	\$12,345.67
Attorney Fees	\$12,345.67

Costs.....	\$1,234.56
Additional Line Item 1.....	\$X,XXX.XX
Additional Line Item 2.....	\$X,XXX.XX
Additional Line Item 3.....	\$X,XXX.XX
Total Amount Due	<u>\$XXX,XXX.XX</u>

13. 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 Robles’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.)

Motions to voluntarily dismiss a case in its entirety shall include the basis for the dismissal in both the motion and the proposed order. Additionally, the proposed dismissal order shall state whether the dismissal is with or without prejudice.

14. 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 which requires an urgent response 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.mfmlcalendar59@cookcountyil.gov **before 3:30 PM**.
2. Includes a copy of the Emergency Motion Order compliant with GAO 2018-05 filled out to the best of the attorney’s ability (pre-checked orders will not be accepted).
3. Indicates “Emergency Motion” in the beginning of the subject line of the email.
4. Carbon copies all parties on the email.
5. Calls the law clerk after sending the emergency motion to the calendar’s courtesy copy email address to ensure prompt handling of the motion.
6. Files and submits notice of motion with the date and time of hearing given by the law clerk.
7. Notifies all other parties before 5:00 PM on the day the motion is filed via fax, email, or hand-delivery.

Without exception, emergency motions received by the Court after the 3:30 PM cut off will be handled the next business day.

Without exception, emergency motions received by the Court on a Court holiday or weekend will be handled on the next business day.

Without exception, the Court WILL NOT hear emergency motions on Fridays. As such, requests for an emergency motion hearing to stay a judicial sale which is set for a Friday MUST be submitted no later than 3:30 PM the preceding Monday in order to have the hearing on the intervening Tuesday, Wednesday or Thursday. If the request is not properly submitted prior to 3:30 PM the preceding Friday, the motion WILL NOT be heard on an emergency basis.

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 proof of funds for the buyer if the sale contract does not contain a mortgage contingency provision. Pre-qualification letters for buyers are NOT sufficient.

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.

15. Motions for Entry of a Consent Judgment of Foreclosure

Orders of consent judgment of foreclosure will not be entered unless 30 days' notice of the hearing date has been provided to ALL parties, including all unknown parties, in order to give time to object to the order's entry. Such motions noticed for a hearing date prior to 30 days from the date of service of the motion for entry of a consent judgment of foreclosure upon all parties will be continued to provide for such notice.

Orders of consent judgment of foreclosure shall include a recitation that 30 days' notice has been given to all parties to object prior to the order's entry and that no objections to the order's entry were filed.

Orders of consent judgment of foreclosure shall include a recitation pursuant to 735 ILCS 5/15-1402(c) that the mortgagee waives their right to a personal judgment for deficiency and shall bar the mortgagee from obtaining such a deficiency judgment against the mortgagor or any other person liable for the indebtedness or other obligations secured by the mortgage.

16. Motions 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 subsections (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 make service have been unsuccessful.

17. Special Representative Fee Petitions

All special representative petitions for fees may be piggy-backed to the court date noticed for presentment of plaintiff's judgment motions without seeking prior permission of the Court.

If the special representative fee petition is independently noticed up, the Court prefers the hearing be scheduled on the 10:00 AM default motion call.

18. Receiver Motions

Pursuant to Chancery Division General Administrative Order No. 2014-01, motions to appoint a receiver or mortgagee in possession will be heard during the 2:00 PM call only. These motions must be scheduled by emailing ccc.mfmlcalendar60@cookcountyil.gov and requesting a presentment date. After obtaining a date from the law clerk, the motion and notice must be filed with the clerk's office. The movant **must** submit courtesy copies ten (7) business 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. The Proposed receiver's *curriculum vitae* and fee schedule
3. Proof of service meeting all statutory requirements
4. A completed proposed form order

The presence of all proposed receivers is not required on the presentment day. Once appointed, the receiver **MUST** be personally present via Zoom (or in person if by order of court) 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 Robles 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, the receiver **shall not**:

- Serve as a selling officer for the property;
- Provide a Broker's Price Opinion; or

- Act as a listing or selling broker for the subject property (unless pursuant to a court approved listing agreement).

19. 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 with Zoom Instructions attached
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 emailing the notice of sale for all parties of record with an email address pursuant to Illinois Supreme Court 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 **MUST also** provide a copy of:

1. The complaint, mortgage, note, and any attachments thereto
2. A copy of the entered 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. A memorandum of judgment, if sought, and
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 the Court. The "BPO" shall not be a "comparative market analysis."

If a party seeks immediate possession, the movant **MUST also** provide a copy of:

1. A vacancy affidavit or affidavit of abandonment dated no more than 6 months prior to the hearing date, even if the Court specifically found in the Judgment of Foreclosure that the property was vacant/abandoned at the time of judgment
2. Photographs of the property attached to the affidavit demonstrating that the property is in fact vacant/abandoned

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.

If the movant for an order approving the judicial sale is also seeking immediate possession and/or a personal deficiency judgment, the notice of motion for the hearing shall specifically indicate as

such.

The Court prefers that if a personal deficiency judgment is sought, 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 order approving sale. **Memoranda of judgment submitted beyond 14 days will not be signed off call and will need to be noticed up for a hearing.**

***** Typically, Judge Robles will not entertain Motions for an Order Approving Sale submitted by a Third-Party Buyer. *****

In the case a surplus of funds results from the judicial sale of the subject property, 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.”

AND

“The Selling Officer shall immediately turn over the surplus funds to the Clerk of the Court.”

20. 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 Robles may 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.

21. Orders

Court-supplied, fill-in-the-blank orders should be used whenever possible. Proposed orders for each motion should be provided to the Court with the courtesy copy submission and **should not be attached to any other document.**

1–2-page case management orders shall be used whenever possible. DO NOT “pre-check” any boxes in these orders as the Court’s ruling may differ from the “pre-checked” box.

The form pre-trial timeline order to be entered currently upon entry of an order striking the case from case management (4331) for cases instituted on or after July 1, 2022, is available on the Court’s webpage and shall be submitted with the proposed orders for each case management conference held along with the standard 1–2-page proposed case management order.

Dates certain, e.g., “August 29, 2022,” are required for redemption dates where applicable.

Off-call orders should not include a pre-filled date by the signature block as the Court may not enter the order on the date of the hearing depending on the time/date of its receipt.

Proposed orders and revised orders are due to the Court no later than 24 hours after the hearing. If proposed orders and revised orders are not received by the Court 72 hours after the hearing, the Court may enter its own order without input from the parties, strike the motion, and/or may subject the case to dismissal for want of prosecution.

All proposed orders shall include the Court’s contact information and Zoom information which can be found on page 1 of this standing order.

Due to the increasing volume and complexity of cases on the docket, the law clerk will no longer be providing copies of signed and entered orders to litigants. Please either contact the Clerk of the Circuit Court of Cook County or contact the Court’s administrative assistant to obtain a copy of any previously signed and entered order. Please DO NOT email or carbon copy the generally calendar email address with such requests.

22. Courtesy Calls to Chambers

As a courtesy to the Court, please contact Judge Robles’s Judicial Law Clerk, Lily Amberg, at (312) 603-3878 if any fully briefed matter has been resolved and the parties will not argue their briefs on the hearing date.

Date: February 14, 2023

ENTERED:

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Judge Edward N. Robles