

# Residential Mortgage Foreclosure Mediation Program Homeowner Appearance, Answer, and/or Motion FAQs

## How to file an Appearance, Answer and/or Motion

### **What is an *Appearance*?**

An *Appearance* is an official court form filed with the Clerk of the Circuit Court which allows a party (Plaintiff or Defendant), or their lawyer, to speak to the judge in court about the case. The *Appearance* also notifies the Court and the opposing party of the correct mailing address and other contact information for the filing party.

### **What is an *Answer*?**

An *Answer* is your written response to each of the paragraphs of the foreclosure complaint filed against you by your lender and lender's attorney. ***An Answer is NOT a Loss Mitigation packet sent to your lender or a request for a loan modification.*** Failure to file an *Answer* may have an impact on your case.

### **How can I Re-enter the Mediation Program?**

You must file a *Motion* with the Clerk of the Circuit Court if you would like to re-enter the Mediation Program after you have been terminated. A *Motion* will provide you with an opportunity to go before a judge and ask to be re-admitted into the Mediation Program. You ***must*** have an *Appearance* on file with the Clerk of the Circuit Court before filing your *Motion* to re-enter the Mediation Program.

The following legal aid resource can provide you with further instruction and necessary forms for filing your *Motion*: [www.illinoiscourts.gov/Forms/approved/procedures/motion.asp](http://www.illinoiscourts.gov/Forms/approved/procedures/motion.asp)

***Your Motion is NOT an Answer to the foreclosure complaint filed against you.*** Re-entry into the Mediation Program is at the discretion of the presiding judge.

### **Where can I file the *Appearance*, *Answer* and/or *Motion*?**

An *Appearance*, *Answer* and/or *Motion* can be filed with the Clerk of the Circuit Court located at 540 South Randall Road, St. Charles, Illinois 60174 or at the Geneva Courthouse 100 S. Third Street, Geneva, Illinois 60134 in room 160. For more information you can call the Clerk at (630) 232-3413 or visit: [www.cic.co.kane.il.us](http://www.cic.co.kane.il.us)

A copy of the filed *Appearance*, *Answer* and/or *Motion* must be promptly sent to the lender's attorneys at their last known address.

### **Is there a filing fee?**

There is a filing fee for an *Appearance* and/or *Answer*. If you are unable to pay the fees, costs, and charges, you may ask the court to allow you to proceed without paying the fees. See the Clerk for an *Application for Waiver of Court Fees* and follow all instructions. You may be immediately directed to see a judge and present your application.

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## **Do I need an attorney to file my *Appearance, Answer and/or Motion*?**

No. You may proceed to file an *Appearance, Answer and/or Motion* without an attorney but it is in your best interest to seek the advice of an attorney. You may have questions about your rights and options to avoid foreclosure; an attorney can answer those questions. **YOU SHOULD ALWAYS CONSULT AN ATTORNEY AND FULLY PARTICIPATE IN THE FORECLOSURE LITIGATION OF YOUR PENDING CASE.**

The Foreclosure Help Desk is staffed by volunteers that can provide you with some answers about the foreclosure process. The Foreclosure Help Desk is located at the Third Street Courthouse outside of courtroom 150 Monday and Thursday beginning at 9:00 a.m. during the foreclosure court call.

You may visit this website for other resources available to homeowners facing foreclosure:  
[www.illinois16thjudicialcircuit.org/Pages/foreclosureMediation.aspx](http://www.illinois16thjudicialcircuit.org/Pages/foreclosureMediation.aspx)

Below is a list of helpful resources that may provide you with guidance or assistance with filing your *Appearance* and writing your *Answer and/or Motion*.

## **IMPORTANT CONTACT INFORMATION**

### **IN PERSON:**

Foreclosure Help Desk  
100 S. Third Street  
outside of courtroom 150  
Geneva, IL 60134  
Available Monday and Thursday  
Beginning at 9:00 a.m. during  
the foreclosure court call.

Kane County Law Library  
“Self-Help Legal Center”  
“Lawyer in the Library”  
Kane County Judicial Center  
37W777 Rt. 38  
St. Charles, IL 60175  
(630) 406-7126  
[www.kclawlibrary.org](http://www.kclawlibrary.org)

Kane County Bar Association  
“Lawyer in the Lobby”  
Every Friday in the rotunda  
100 S. Third Street  
Geneva, IL 60134  
Available 9:00 a.m. until 12:00 p.m.

### **ONLINE:**

Illinois Legal Aid  
[www.illinoislegalaid.org](http://www.illinoislegalaid.org)

### **BY PHONE ONLY:**

Administer Justice  
Please call for details.  
847-844-1100  
[www.administerjustice.org](http://www.administerjustice.org)

Kane County Bar Association  
“Ask a Lawyer Day”  
Available second Saturday of each month  
by calling (630) 762-1900

Prairie State Legal Services  
Legal services available for homeowners  
who meet eligibility criteria.  
888-966-7757  
[www.pslegal.org](http://www.pslegal.org)