

**IN THE SIXTEENTH JUDICIAL CIRCUIT
GENERAL ORDER 13-53**

effective January 1, 2013

IN THE MATTER OF)
MANDATORY RESIDENTIAL)
FORECLOSURE MEDIATION)
PROGRAM)

FILED _____
ENTERED _____
2013 DEC 24 A 4: 29
THOMAS M HARTWELL
CIRCUIT COURT CLERK
KANE COUNTY, IL

WHEREAS, on December 20, 2013, General Order 13-52 was entered amending the Local Rules establishing the Sixteenth Judicial Circuit Kane County Mandatory Foreclosure Mediation Program under Article 3 of the Local Rules; and

WHEREAS, the implementation of the Mandatory Foreclosure Mediation Program requires further action by the Chief Judge to establish procedures and approve forms; and

WHEREAS, the Kane County Mandatory Foreclosure Mediation Program Rule provides for, and pursuant to 705 ILCS 105/27.2(r) the Administrative Office of the Illinois Courts has approved, a fifty dollar (\$50.00) increase in filing fees to be paid by the plaintiff in all foreclosure actions in Kane County as of the effective date of the rule and by order of the Chief Judge; and

WHEREAS, re-numbering of the rule is required due to a conflict with the current version of the rules.

WHEREFORE, IT IS HEREBY ORDERED

1. General Order 13-52 is amended to provide re-numbering of the subject local rule, which hereafter shall be known and referred to as:
ARTICLE 5.00 MANDATORY RESIDENTIAL FORECLOSURE MEDIATION PROGRAM.
2. The Clerk of the Court shall maintain and make available approved versions of the notices, forms, and orders required for use in the Kane County Mandatory Foreclosure Mediation Program.
3. The Article 5: Kane County Mandatory Foreclosure Mediation Program and the terms of this general order apply only to those cases filed on or after January 1, 2014.
4. Every foreclosure complaint shall clearly designate in **BOLD** type on the front page of the complaint whether the property is or is not Residential Real Property under 735 ILCS 5/15-1219. All foreclosure actions on Residential Real Property under 735 ILCS 5/15-1219 are subject to all the requirements of Article 5 Mandatory


Residential Foreclosure Mediation Program under the Local Rules unless otherwise determined by the court on motion and order.

5. The case management date on a foreclosure action on Residential Real Property under 735 ILCS 5/15-1219 shall be set by the Clerk of the Court for an available date 180 days from the filing date of the action.
6. In all such Residential Real Property Foreclosure actions where the Article 5 Mandatory Residential Foreclosure Mediation Program applies:
 - a. Plaintiff is required to attach the following approved forms to the summons issued on each homeowner defendant, and to provide proof of compliance thereof within the return of service:
 - i. First Notice of Mandatory Mediation 16th Judicial Circuit Court Kane County
 - ii. Questionnaire & Checklist.
 - b. when publication notice is made on a homeowner defendant, the Clerk of the Court shall include a copy of the following documents when mailing the publication of the notice required pursuant to 735 ILCS 5/2-206 to the homeowner defendant:
 - i. First Notice of Mandatory Mediation 16th Judicial Circuit Court Kane County
 - ii. Questionnaire & Checklist.
 - c. Plaintiff shall notify the Program Coordinator within seven (7) days upon completion of actual service of process upon a homeowner defendant, or the date of publication notice, whichever is applicable. Notification may be sent to the Program Coordinator by email or fax.
7. A homeowner defendant must meet the following requirements in order to participate in the program:
 - a. Owner of a one-to-six family residential property or condominium unit; and
 - b. Current, or previous resident with the right to return, in the subject property as the primary residence; and
 - c. Borrower on the mortgage, or as otherwise permitted by order of the judge presiding.
8. So long as a case is pending in the Mandatory Residential Foreclosure Mediation Program, the following is stayed between the Plaintiff and the homeowner defendant(s), unless otherwise ordered by the court:
 - a. Discovery, pursuant to Local Rule Article 5 Section 6.00(a);
 - b. Case dispositive motion practice and motions on the pleadings between the homeowner defendant(s) and lender;
 - c. Nothing in this order bars parties from presenting routine motions to amend the pleadings, to add or dismiss a party, to move for default judgment against another party not participating in the mediation, or any other motions as otherwise permitted by the court.

9. Any report of non-participation by the Program Coordinator to the Court shall be by way of written form approved by the Chief Judge filed with the Clerk of the Court, and a copy sent to the Plaintiff.
10. Participation in the Mandatory Residential Foreclosure Mediation Program may be terminated on the Court's own motion upon receipt of a report of non-participation, the refusal or failure of the homeowner defendant to file an appearance, upon the motion of either party, or otherwise as in the discretion of the Court for good cause. When an order of termination is entered without resolution of the case, the foreclosure action shall resume, and any previous stay of proceedings as a result of the Program Rules or this order are lifted, and the Homeowner Defendant shall file an answer or other responsive pleading within 28 days of the order of termination.
11. Effective January 1, 2014, all Plaintiffs filing a real estate mortgage foreclosure case, except for foreclosure of Security Interest in Personal Property and Foreclosure on Condo Assessment, shall pay an additional fifty dollar (\$50.00) filing fee, which shall be collected by the Clerk of the Court and deposited into the Foreclosure Mediation Fund #197, Revenue Line Item 197.240.000.34375 on a monthly basis.

Enter this 23rd day of December, 2013,


Chief Judge Judith M. Brawka

A true copy of the original of this document is on file in my office	
Attest: _____	Date: <u>12/23/13</u>
Thomas M. Hartwell Circuit Court Clerk, Kane County, Illinois	
By: <u></u>	Deputy Clerk