



**Circuit Court
Nineteenth Judicial Circuit
Lake County, Illinois**

**Standing Order Regarding
Default Motions
and Proving Up Actions in Debt**

Motions for Default.

- A. Motions for Default should be scheduled at 9:00 a.m. on the uncontested call.
- B. The moving party shall send notice by regular mail of the motion for default to the party sought to be defaulted even if that party has not appeared, as well as to all other parties in the case. The notice should be directed to the last known address of the alleged defaulting party.
- C. If the party sought to be defaulted is an individual, an Affidavit as to Military Service concerning that party is required.
- D. If a default order is entered, a subsequent prove-up date is usually set and the moving party shall send a copy of the default order including the prove-up date to the defaulted party, as well as to all other parties in the case. Proof of service of the default order must be filed on or before the prove-up date.

Proving Up Actions in Debt.

- A. Prove-ups for Default Judgments should be scheduled at 9:00 a.m. on the uncontested call.

B. The moving party shall send notice to the last known address of the defaulted party by regular mail along with a copy of the order setting the matter for prove-up even if the defaulted party has not appeared, as well as to all other parties in the case. Proof of service of the order and the Notice of Motion must be filed on or before the prove-up date.

C. Plaintiffs proving-up a default judgment for an action in debt should be prepared to present:

1. Proof of Service of the scheduling Order or Notice of Motion with Certificate of Service scheduling the prove-up.
2. An Affidavit of Military Service with attached U.S. Department of Defense website printout (current within six (6) months).
3. A signed affidavit of prove-up specifically referencing the alleged debt of the defendant(s) against which judgment is sought attached to and incorporated by express reference within the motion for default.
4. An affidavit of attorney's fees and costs (all fees must be reasonable; fees sought in excess of \$1,000 must be supported by a time and task affidavit).
5. Any and all assignments or other documents (as applicable) demonstrating the movant's standing to obtain judgment. and
6. A proposed order of judgment that must include a provision requiring that the moving party mail a copy of the order within three (3) days to the last known address of the defendant(s).

Proving-Up Actions in Debt by Assignees.

A. For All Assigned Debt.

At prove-up, in all cases of assigned debt, whether for collection or otherwise, there must be an affirmative statement in the verified pleading or supporting

affidavit as to whether or not the debt was assigned at any point to a collection agency for collection, within the meaning of the Collection Agency Act.

B. Actions by a Collection Agency.

At prove-up, in any action by a collection agency, within the meaning of The Collection Agency Act, 225 ILCS 425/1 *et seq.*, the prove-up must be supported by an affidavit attesting to the date of the licensure of the agency or agencies, and to the fact that the agency or agencies were licensed at the time of the assignment(s) and at the time the complaint was filed.

C. For Assigned Debt Other Than Debt Assigned to a Collection Agency for Collection.

1. For assignees suing on debt [other than debt assigned to a collection agency for collection within the meaning of The Collection Agency Act, 225 ILCS 425/1 *et seq.*], the Court requires that the complete chain of title, including the name of the original creditor and all subsequent assignees and/or purchasers, be pled in the complaint.
2. For prove-ups of assigned debt [other than debt assigned to a collection agency for collection within the meaning of The Collection Agency Act, 225 ILCS 425/1 *et seq.*], the Court requires sufficiently detailed affidavits, verified pleading, or documents sufficient to establish the Plaintiff's standing to sue on the specific debt or account of the Defendant.

B. For Debt Assigned to a Collection Agency for Collection.

When the assignment is to a collection agency for collection, within the meaning of The Collection Agency Act, the Court requires pleading and proof of every assignment, satisfying the requirements of 225 ILCS 425/8b(e), including:

1. Each written contract of assignment (affidavits are insufficient), which specifically state the date of each assignment, the consideration paid and the identifying information for the account being collected for each assignment.
2. Incorporation of multiple documents by the assignee is allowed, provided that the incorporated documents are attached to the Complaint along with each assignment.

Courtesy Copies of Documents Required to Prove-Up Actions In Debt.

A. In all actions in which a party seeks to prove-up an action in debt, courtesy copies of all papers required to prove-up such action in debt shall be provided to the Court 7 days (5 court days) before the hearing date.

Dated this 21st day of January 2025.

ENTER:

/s/ Luis A. Berrones
Judge