

For additional help in Foreclosure Cases please

Visit the Foreclosure Help Desk every Thursday and Friday at 9:00 a.m. at:

18 North County Street
10th Floor
Waukegan, Illinois 60085

Visit the Lake County Center for Self-Representation at the Law Library at 18 North County Street Waukegan, Illinois 60085 or online at <http://19thcircuitcourt.state.il.us/csr/Pages/default.aspx>

Contact the Affordable Housing Corporation of Lake County at 847.796.8050 or online at <http://www.ahclc.org/saveyourhome.html>

If you need help finding an attorney to represent you, you may contact the Lake County Bar Association Lawyer Referral Service by calling 847.224.3140. You can also access the Referral Service online at www.lakebar.org. If you can't afford to hire an attorney, you may wish to contact Prairie State Legal Services at 847.662.6925.



Proudly Presented By
NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

Motions in Foreclosure Cases

Instructions for Self-Represented Parties



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ILLINOIS LEGAL AID ONLINE

What is a motion and how do I file one?

A motion is a way for you to ask the judge to do something about an issue in your case. You can ask the court to:

- ◆ Allow you to do something in the case
- ◆ Force the other party to do something
- ◆ Decide an issue in the case.

You file a motion after the case has started. Each motion you file deals with only one issue. Please look below for instructions.

What do I need to do?

1. Prepare Your Forms

Prepare the particular *motion* and *notice of motion* that apply to your case. You can find the forms at the Clerk's office at the address listed below, or online at the website listed below.

When you fill out the *motion*, tell the judge what you want and include the facts the judge needs to make a decision. It is important that the judge understands what you are asking for and why. If you talk about any documents in your motion, attach copies for the judge.

After you fill out your motion, you'll need to fill out your *notice of motion*. The notice of motion tells the other party when and where the judge will hear arguments on your motion. The general Notice of Motion for Lake County may be found by visiting:

<http://lakecountycircuitclerk.org/court-forms>.

To complete your notice of motion, you will need to include the date when the motion will be heard. The Clerk's office can help you with this. Ask the staff what days your judge hears motions. You will need to pick a date that gives you and the other side enough time to prepare your arguments. Make copies of your motion and notice of motion: one for the court, one for yourself and one for each party in the case.

For foreclosures, contact the Chancery Division Clerk at 847.377.3212 or visit the Clerk of the Circuit Court's office at: 18 North County Street, Lower Level, Waukegan, IL 60085.

2. File Your Forms with the Court Clerk

File the motion and notice of motion with the clerk's office at the above address. Bring all your copies and the originals with you. The clerk will keep the original and return stamped copies to you. Make sure you keep one set of copies for your own records.

3. Send the Other Party/Parties Notice of the Hearing

To give the other party notice, you must deliver a copy of the motion and notice of motion by US mail or personally. If the other party has an attorney, send the copy of the motion and the notice of motion forms to the attorney's office. If you are a Defendant, you can find this information at the bottom of the Summons and Complaint.

Bring your copies when you come for your hearing. To prove that you served the other

party, fill out the Proof of Service section on the Notice of Motion form with the date and time you mailed or personally served the documents.

For when and how to send notice of your motion, please see Local Rule 2-2.01. <http://www.19thcircuitcourt.state.il.us/1964/Part-200-Proceedings-Before-Trial#2-2.01>.

4. Go to Your Hearing Date

Go to court on the date and time assigned to you by the clerk. Check in with the clerk in your assigned courtroom and wait for your name to be called. Usually, you will have the chance to tell the judge why you are in court and what you want to see happen in your case first. Then, the other side will get a turn to tell the judge if they agree or disagree and why. You may be given the opportunity to say the last word.

Sometimes, a judge may want to hold an evidentiary hearing. If that is the case, the judge will tell you that the motion is being set for an evidentiary hearing. You should bring any evidence, including witnesses and documents that you would like to present in support of your position, to the evidentiary hearing scheduled by the judge.

After hearing from both sides, the judge will issue an Order granting or denying your motion. Make sure you get a copy of this Order from the courtroom clerk.