

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT

LASALLE AND GRUNDY COUNTIES

STATE OF ILLINOIS)
)
COUNTY OF LASALLE)

FILED
FEB 19 2014

ADMINISTRATIVE ORDER
NO. 14-5

Alexis P. Kelly
LA SALLE COUNTY CIRCUIT CLERK
THIRTEENTH JUDICIAL CIRCUIT OF ILLINOIS

RESIDENTIAL MORTGAGE FORECLOSURE
MANDATORY MEDIATION PROGRAM

WHEREAS, the Circuit Court, with the approval of the Illinois Supreme Court, has established by Circuit Court Rule a Residential Mortgage Foreclosure Mandatory Mediation Program; and,

WHEREAS, said program shall commence on March 1, 2014.

NOW, THEREFORE, IT IS HEREBY ORDERED that the following Administrative Procedures are established effective March 1, 2014:

1. **FILING FEE:** In all cases filed in LaSalle and Grundy Counties where the Complaint seeks to foreclose a residential mortgage, the Circuit Clerk shall charge an additional \$150.00 filing fee to defray the cost of the Residential Mortgage Foreclosure Mandatory Mediation Program. The fees collected shall be forwarded to the respective County Treasurer and maintained in a separate fund subject to disbursement on order of the Chief Judge of the Thirteenth Judicial Circuit.
2. **SUMMONS:** In all Residential Mortgage Foreclosure cases, Plaintiff shall use a Summons Form specifically tailored for those cases and attached hereto and made a part hereof as Exhibit A. Law firms may generate their own forms as long as they are substantially similar to the Circuit Court approved form. The Circuit Clerk will make the determination as to whether law firm generated forms are substantially similar to the Clerk's forms.
3. **ATTACHMENTS TO SUMMONS:** In all Residential Mortgage Foreclosure cases, Plaintiff shall attach a Notice of Mandatory Mediation, attached hereto and made a part hereof as Exhibit B, and a Foreclosure Mediation Program Initial Questionnaire, attached hereto and made a part hereof as Exhibit C. Law firms may generate their own forms as long as they are substantially similar to the Circuit Court approved forms. The Circuit Clerk will make the

Scanned

determination as to whether law firm generated forms are substantially similar to the Clerk's forms.

4. **SCHEDULING OF PRE-MEDIATION SCREENING CONFERENCE:** In all Residential Mortgage Foreclosure cases, Plaintiff shall select a date and time for the conference from a list of dates issued by the Circuit Court. The date shall be at least 42 days but not more than 60 days from the issuance of Summons. Said date shall be inserted in the Residential Mortgage Foreclosure Summons. If service is by Publication, Plaintiff shall pick a date from the Circuit Court list which is at least 42 days, but not more than 60 days from the date of first publication in a newspaper of general circulation in LaSalle or Grundy County, Illinois. When service is by publication, Plaintiff shall file a copy of the affidavit for Publication containing the date for the Pre-mediation Screening Conference with the Circuit Clerk so the Clerk can add the case to the Pre-mediation Screening calendar for the date selected.
5. **ALIAS SUMMONS:** If an alias summons becomes necessary, the Plaintiff shall select a new date for the pre-mediation screening Conference at least 42 days and not more than 60 days from the issuance of the Alias Summons. No Court order will be required for the issuance of an Alias Summons.
6. **COUNTERCLAIMS TO FORECLOSE A MORTGAGE:** Where the complaint to foreclose a mortgage takes the form of a Counterclaim (For example the Original Complaint was for a Mechanics Lien), any counterclaims to foreclose a mortgage must pay the extra \$150 filing fee required under the Mandatory Mediation Program. Any party in a counterclaim seeking to foreclose a residential mortgage (as defined in the Illinois Mortgage Foreclosure Act) shall have the right to ask for mediation under the Mandatory Mediation Program by contacting the Clerk's office to schedule a mediation date. The party requesting and scheduling said date must provide notice of any scheduled date to all other parties to the action.
7. **SECOND LIENHOLDERS RIGHT TO PARTICIPATE IN MEDIATION:** Any 2nd lienholders may attend any scheduled mediations. To the extent the mediators request that a 2nd lienholder be invited to attend, the Plaintiff's counsel shall provide such notice to any other lienholders.
8. **PLACING MEDIATION ON HOLD STATUS:** In the event a Plaintiff lender places a file on "hold", it may ask the mediator to reset the mediation to a future date which may be greater than 30 days, provided, however, if all parties to the mediation are not in attendance, the Plaintiff's counsel shall provide prompt notice of such rescheduled date to all parties not in attendance.
9. **PRE-MEDIATION CONFERENCE PROCEDURE:** At the Pre-mediation Screening Conference, if the Mediator determines that a Formal Mediation

will be beneficial, Mediator shall direct Plaintiff's Counsel to provide to the borrower a Loan Modification Packet. Mediator shall also schedule the formal Mediation at a time consistent with sufficient time for the borrower to complete the packet and the lender to have sufficient time to analyze the Loan Modification Packet from an Underwriting Perspective. If the timing for those two things is uncertain, the Mediator may adjourn the Pre-Mediation Screening to a future date for status.

10. HUD CERTIFIED HOUSING COUNSELORS: At the Pre-mediation Conference, the Mediator shall make available to borrowers information regarding HUD certified Counseling available in the LaSalle and Grundy County areas, and if possible make arrangements to have a HUD Certified Counselor available at the Pre-mediation Conference for initial consultation with the borrower.
11. ATTORNEY INFORMATION: At the Pre-mediation Conference, the Mediator shall inform the borrowers of legal resources available through Prairie State Legal Service and/or the LaSalle and Grundy County Bar Association.
12. INTERPRETER: If an interpreter is necessary, the Mediator shall recess the mediation for sufficient time to allow meaningful access for an interpreter.
13. ADMONITIONS TO BORROWER AND LENDER: At the Pre-mediation Screening, the Mediator shall admonish both the borrower and the lender of the need to complete matters in a timely fashion and participate in Good Faith.
14. FORMAL MEDIATION: At the Formal Mediation, Lender must be represented in person by a person with full authority to make decisions on the case. Telephone Formal Mediation Conferences may occur at the discretion of the mediator. That person may be an Underwriter, Loss Mitigation Person, or any company representative with full authority to enter into Loan Modification Agreements or to negotiate a Deed in Lieu disposition. All defendant borrowers shall also be present in person and further may have their attorney or a housing counselor at the Formal Mediation.
15. TIMING OF FORMAL MEDIATION: Formal Mediation shall be scheduled in a timely fashion with a goal not to extend the period of Redemption under the Illinois Mortgage Foreclosure Act. All parties shall use their best efforts to achieve a timely disposition and not delay the proceedings.
16. CELL PHONE USAGE: Since it is contemplated that Plaintiff's Counsel and Lender's Representatives will need to consult telephonically in the Mediation Process, Counsel and Lender's Representatives shall be allowed to bring cell phones into the LaSalle or Grundy County Courthouses solely for the purpose

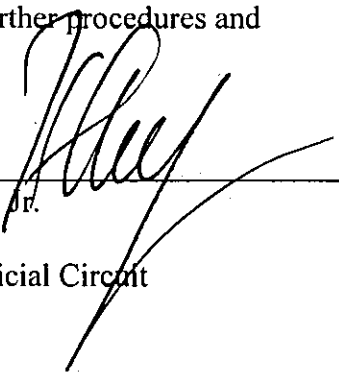
of aiding in the Mediation process. In no cases are photographs or recordings of the proceedings or personnel attending allowed

17. DOCUMENTS TO REMAIN CONFIDENTIAL: All documents used by the mediator, with the exception of official reports to the Court of the results of the mediation or pre-mediation conference, are to be kept confidential. They are not official court records and are not discoverable. The goal is to have the parties engage in a confidential mediation process. The reports of the pre-mediation and mediation conference filed with the Court will be maintained in a separate place in the Court file for the use of the Presiding Judge.

It is further ordered that this Residential Mortgage Foreclosure Mandatory Mediation Program being experimental in nature, further procedures and guidelines will be issued by the Court as necessary.

Entered:

2/19/14



H. Chris Ryan, Jr.
Chief Judge
Thirteenth Judicial Circuit

Distribution:

Andrew Skoog

Karen Slattery

All Judges in the Thirteenth Judicial Circuit

LaSalle County State's Attorney

Grundy County State's Attorney

LaSalle County Sheriff

Grundy County Sheriff

LaSalle County Bar Association President for distribution to members

Grundy County Bar Association President for distribution to members

UNITED STATES OF AMERICA
COUNTY OF LASALLE STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT

Plaintiff

Case No. _____

Defendant

SUMMONS
Residential Foreclosure Mediation

To each defendant:

You are summoned and required to file an Answer in this cause, or otherwise file your Appearance in the office of the Clerk of this Court, LaSalle County Courthouse, 119 W. Madison Street, Ottawa, IL 61350 within 30 days after service of this summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.

YOU MAY STILL BE ABLE TO SAVE YOUR HOME. DO NOT IGNORE THIS DOCUMENT.

By order of the Chief Judge of the Circuit Court of the Thirteenth Judicial Circuit, this case is set for Mandatory Mediation on _____, 20____, at _____ am/pm at the LaSalle County Courthouse 119 W. Madison Street, Ottawa, IL 61350. A lender representative will be present along with a court appointed mediator to discuss options that you may have and to pre-screen you for potential mortgage modification. For further information on the mediation process, please see the attached **NOTICE OF MANDATORY MEDIATION.**

**YOU MUST APPEAR ON THE MEDIATION DATE GIVEN,
OR YOUR RIGHT TO MEDIATION WILL TERMINATE**

To the Officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

WITNESS _____, 20____

(Clerk of the Circuit Court)

Attorney or Party, if not represented by an attorney

Name _____
ARDC# _____
Firm Name _____
Attorney for _____
Address _____
City and Zip _____
Telephone _____

(Seal of Court)

CLERK OF THE CIRCUIT COURT OF LASALLE COUNTY

Scanned

SHERIFF'S FEES

Service and return..... \$ _____

Miles _____

Total..... \$ _____

Sheriff of _____ County

I certify that I served this summons on defendants as follows:

(Check appropriate box, and complete information below)

(a)--Individual defendants--personal):

By leaving a copy and a copy of the complaint with each individual defendant personally.

(b)--(Individual defendants--abode):

By leaving a copy and a copy of the complaint at the usual place of abode of each individual defendant with a person of his family, of the age 13 years or upwards, informing that person of the contents and also by sending a copy of the summons in a sealed envelope with postage fully prepaid, addresses to each individual defendant at his usual place of abode.

(c)--(Corporation defendants):

By leaving a copy and a copy of the complaint with the registered agent, officer or agent of each defendant corporation.

(d)--(Other service):

Name of Defendant _____

Name of Defendant _____

Name of Person
Summons Given to _____

Name of Person
Summons Given to _____

Sex _____ Race _____ Approx. Age _____

Sex _____ Race _____ Approx. Age _____

Place of Service _____

Place of Service _____

Date of Service _____ Time _____

Date of Service _____ Time _____

Date of Mailing _____

Date of Mailing _____

STATE OF ILLINOIS)
) SS.
COUNTY OF GRUNDY)

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
GRUNDY COUNTY, ILLINOIS

Plaintiff

Case No. _____

Defendant

SUMMONS
Residential Foreclosure Mediation

To each defendant:

You are summoned and required to file an *Answer in this cause, or otherwise file your * Appearance in the Office of the Clerk of This Court, *Grundy County Courthouse, 111 E. Washington Street, Morris, IL 60450* within 30 days after service of this summons, Not counting the day of service. **IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.**

YOU MAY STILL BE ABLE TO SAVE YOUR HOME. DO NOT IGNORE THIS DOCUMENT.

By order of the Chief Judge of the Circuit Court of the Thirteenth Judicial Circuit, this case is set for Mandatory Mediation on _____, 20____, at _____ am/pm at the *Grundy County Courthouse, 111 E. Washington St. Morris, IL 60450.* A lender representative will be present along with a court appointed mediator to discuss options that you may have and to pre-screen you for potential mortgage modification. For further information on the mediation process, please see the attached **NOTICE OF MANDATORY MEDIATION.**

YOU MUST APPEAR ON THE MEDIATION DATE GIVEN, OR YOUR RIGHT TO MEDIATION WILL TERMINATE.

To the Officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than thirty (30) days after its date.

WITNESS _____, 20____

(Seal of Court)

(Clerk of the Circuit Court)

Attorney or Party, if not represented by an attorney

Name _____

ARDC# _____

Firm Name _____

Attorney for _____

Address _____

City and ZIP _____

Telephone _____

* The Answer and /or Appearance filing fee is based upon the dollar amount of said case.

Karen E. Slattery, Clerk of the Circuit Court of Grundy County

Scanned

NOTICE OF MANDATORY MEDIATION
FREE FORECLOSURE MEDIATION IS AVAILABLE

You have been served with a foreclosure complaint that could cause you to lose your home. The Thirteenth Judicial Circuit (LaSalle County) created a Mandatory Foreclosure Mediation Program to help homeowners in foreclosure. This program is available to all homeowners and is *free of charge*.

WHAT DOES IT MEAN?

Foreclosure mediation is a process where a neutral third person ("mediator") assists lenders and borrowers in trying to reach a voluntary and mutual agreement to resolve a loan delinquency. If you and the bank cannot agree to change the loan terms, the mediator will discuss other options, such as a short sale or giving the bank your house in exchange for the lender forgiving your mortgage debt. All of your discussions with the mediator will be kept confidential.

WHERE DOES THE MEDIATION TAKE PLACE?

You **must** appear for your initial mediation court date on the date and time shown in the Summons. Please go to the LaSalle County Courthouse, 119 W. Madison Street, Ottawa, IL 61350

IF YOU DO NOT SHOW UP, MEDIATION STOPS AND YOUR CASE WILL GO TO THE JUDGE FOR A POSSIBLE JUDGMENT AGAINST YOU.

You must bring the following documents to your initial mediation court date:

- Last two years of tax returns, complete with W-2s
- Last two months of all bank statements
- Last 60 days of paystubs (if employed)
- Current Utility Bills
- Complete and Return the enclosed Questionnaire (all information will be kept confidential).

You Should Contact A Housing Counselor Prior to Your Mediation Court Date.

For more information about HUD-certified housing counselors, you may call the toll-free telephone number 1.800.569.4287 and ask for the name of a housing counselor in your area or you may contact one of the following organizations:

Will County Center for Community
Concerns – serving LaSalle County
www.wcccc.net
Tel: (815) 722-0722

Institute for Consumer
Credit Education
www.icceillinois.org
Tel: (708) 633-6355

*Your housing counselor or your attorney may also attend the mediation process with you.

You may be eligible for free legal assistance.

To apply, contact Prairie State Legal Services, Inc. at (888)-966-7757

CAUTION

During the mediation, the court will not enter a judgment of foreclosure against you, but the court cannot guarantee that you and your bank will reach an agreement. If you dispute your bank's claims, you should consult an Illinois licensed attorney and/or file an answer to the complaint.

For more information about the LaSalle County Foreclosure Mandatory Mediation Program, please visit www.lasallecounty.com and click on the Mandatory Mediation tab.

(*Please note-if you require a translator, the Office of the Chief Judge has a list of translators that you may employ at your cost.)

ANDREW F. SKOOG, CLERK OF THE CIRCUIT COURT OF LASALLE COUNTY

NOTICE OF MANDATORY MEDIATION
FREE FORECLOSURE MEDIATION IS AVAILABLE

You have been served with a foreclosure complaint that could cause you to lose your home. The Thirteenth Judicial Circuit (Grundy County) created a Mandatory Foreclosure Mediation Program to help homeowners in foreclosure. This program is available to all homeowners and is *free of charge*.

WHAT DOES IT MEAN?

Foreclosure mediation is a process where a neutral third person ("mediator") assists lenders and borrowers in trying to reach a voluntary and mutual agreement to resolve a loan delinquency. If you and the bank cannot agree to change the loan terms, the mediator will discuss other options, such as a short sale or giving the bank your house in exchange for the lender forgiving your mortgage debt. All of your discussions with the mediator will be kept confidential.

WHERE DOES THE MEDIATION TAKE PLACE?

You **must** appear for your initial mediation court date on the date and time shown in the Summons. Please go to the Grundy County Courthouse, 111 E. Washington St., Morris, IL 60450

IF YOU DO NOT SHOW UP, MEDIATION STOPS AND YOUR CASE WILL GO TO THE JUDGE FOR A POSSIBLE JUDGMENT AGAINST YOU.

You must bring the following documents to your initial mediation court date:

- Last two years of tax returns, complete with W-2s
- Last two months of all bank statements
- Last 60 days of paystubs (if employed)
- Current Utility Bills
- Complete and Return the enclosed Questionnaire (all information will be kept confidential).

You Should Contact A Housing Counselor Prior to Your Mediation Court Date.

For more information about HUD-certified housing counselors, you may call the toll-free telephone number 1.800.569.4287 and ask for the name of a housing counselor in your area or you may contact one of the following organizations:

Will County Center for Community
Concerns

www.wcccc.net

Tel: (815) 722-0722

Community Service Council of
Northern Will County

www.thesc.org

Tel: (815) 886-5000 or (630) 759-9494

Institute for Consumer Credit
Education

www.icceillinois.org

Tel: (708) 633-6355

*Your housing counselor or your attorney may also attend the mediation process with you.

You may be eligible for free legal assistance.

To apply, contact Prairie State Legal Services, Inc. at (888)-966-7757

CAUTION

During the mediation, the court will not enter a judgment of foreclosure against you, but the court cannot guarantee that you and your bank will reach an agreement. If you dispute your bank's claims, you should consult an Illinois licensed attorney and/or file an answer to the complaint.

For more information about the Grundy County Foreclosure Mandatory Mediation Program, please visit www.grundyco.org and click on the Mandatory Mediation tab.

(*Please note-if you require a translator, the Office of the Chief Judge has a list of translators that you may employ at your cost.)

KAREN E. SLATTERY, CLERK OF THE CIRCUIT COURT OF GRUNDY COUNTY.

Scanned

Circuit Court for 13th Judicial Circuit, LaSalle County
Residential Foreclosure Mediation Questionnaire

Andy Skoog, Circuit Court Clerk

You have been named as a party in a foreclosure case. This case may result in the loss of your home. Court sponsored mediation may be available in your case. Mediation is a free, confidential, and voluntary process through which you and the lender that is seeking foreclosure of your home may discuss ways to resolve this case including reinstatement of the loan and re-negotiation of the loan terms. **THIS IS NOT AN EVICTION.**

*Una version en Espanol de esta forma, Initial Questionnaire Form, es disponible en el siguiente sitio web, www.co.lasalle.il.us/13thJudicial/pdf, o en el departamento de Circuit Clerk, LaSalle County Courthouse, (Insert Address). Usted ha sido nombrado/a como parte en una ejecucion hipotecaria. Esto puede resultar en la perdida de propiedad. **ESTO NO ES UN DESALOJO.***

Please fill in the information on this form and bring it with you to the Foreclosure Mediation Pre-screening meeting. The date and location of that meeting is contained in the **Notice to Homeowners** you received with your summons.

The information provided will be used by the Court Mediator to make an initial determination if this case is suitable for mediation. **This information will not be shared with anyone, unless you agree and then only with a representative of your mortgage lender.**

Name: _____

Case Number: _____

Address: _____

Daytime Phone: _____

1. What is the total amount of your scheduled monthly payment to you lender?
2. If you property tax and property insurance are not included to the payment to your lender, what is the amount of your monthly property taxes and property insurance?
3. How many payments have you missed?
4. What are your monthly expenses not including the above monthly payments to your lender and any payments for property taxes and insurance?

5. What is your monthly income? Gross (before withholding) _____;
Net Take-Home pay (after all deductions) _____.

6. Do you have any money saved? (CIRCLE ONE)

YES How much? _____

NO

7. Do you have any other real property other than the property that is being foreclosed?
(CIRCLE ONE)

YES If so, what is the difference between the value of the property and any
mortgage or lien on the property? _____

NO

8. Check all items that have caused you to miss payments:

Injury or Illness

Adjustable Interest Rate/Balloon Payment

Loss of Employment

My expenses Exceed my income

Other: _____

9. If you marked Injury or Illness in question 8, are you now well?

Yes

No

10. If you marked "Loss of Employment" in Question 8, have you found a new job?

Yes

No

11. Do you desire to keep the property that is the subject of this case?

Yes

No

12. If your answer to question 11 was No, would you consider the following? (Check all that apply.)

Deeding Property to Lender

Selling Property to third party

Consenting to Foreclosure (No deficiency judgment)

13. Is there are information that would be helpful in determining whether your case would be suitable for mediation? If so, please describe:

Property Owner's Signature

Co-Property Owner's Signature

I consent to disclosure information to lender representative _____

Initials

Circuit Court for 13th Judicial Circuit, Grundy County

Residential Foreclosure Mediation Questionnaire

Karen E. Slattery, Circuit Court Clerk

You have been named as a party in a foreclosure case. This case may result in the loss of your home. Court sponsored mediation may be available in your case. Mediation is a free, confidential, and voluntary process through which you and the lender that is seeking foreclosure of your home may discuss ways to resolve this case including reinstatement of the loan and re-negotiation of the loan terms. **THIS IS NOT AN EVICTION.**

*Una version en Espanol de esta forma, Initial Questionnaire Form, es disponible en el siguiente sitio web, www.grundyco.org, o en el departamento de Circuit Clerk, Grundy County Courthouse, 111 E. Washington St., Morris, IL 60450. Usted ha sido nombrado/a como parte en una ejecucion hipotecaria. Esto puede resultar en la perdida de propiedad. **ESTO NO ES UN DESALOJO.***

Please fill in the information on this form and bring it with you to the Foreclosure Mediation Pre-screening meeting. The date and location of that meeting is contained in the **Notice to Homeowners** you received with your summons.

The information provided will be used by the Court Mediator to make an initial determination if this case is suitable for mediation. **This information will not be shared with anyone, unless you agree and then only with a representative of your mortgage lender.**

Name: _____

Case Number: _____

Address: _____

Daytime Phone: _____

1. What is the total amount of your scheduled monthly payment to you lender?
2. If your property tax and property insurance are not included to the payment to your lender, what is the amount of your monthly property taxes and property insurance?
3. How many payments have you missed?
4. What are your monthly expenses not including the above monthly payments to your lender and any payments for property taxes and insurance?

5. What is your monthly income? Gross (before withholding) _____;
Net Take-Home pay (after all deductions) _____.

6. Do you have any money saved? (CIRCLE ONE)

YES How much? _____

NO

7. Do you have any other real property other than the property that is being foreclosed?
(CIRCLE ONE)

YES If so, what is the difference between the value of the property and any
mortgage or lien on the property? _____

NO

8. Check all items that have caused you to miss payments:

Injury or Illness Adjustable Interest Rate/Balloon Payment

Loss of Employment My expenses Exceed my income

Other: _____

9. If you marked Injury or Illness in question 8, are you now well?

Yes No

10. If you marked "Loss of Employment" in Question 8, have you found a new job?

Yes No

11. Do you desire to keep the property that is the subject of this case?

Yes No

12. If your answer to question 11 was No, would you consider the following? (Check all that apply.)

Deeding Property to Lender

Selling Property to third party

Consenting to Foreclosure (No deficiency judgment)

13. Is there information that would be helpful in determining whether your case would be suitable for mediation? If so, please describe:

Property Owner's Signature

Co-Property Owner's Signature

I consent to disclosure information to lender representative _____

Initials