

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
LASALLE AND GRUNDY COUNTIES, ILLINOIS

STATE OF ILLINOIS     )  
  )  
COUNTY OF LASALLE    )

**FILED**  
AUG 29 2014

ADMINISTRATIVE ORDER NO. 14-37

*Ann L. Kelly*  
LA SALLE COUNTY CIRCUIT CLERK  
THIRTEENTH JUDICIAL CIRCUIT OF ILLINOIS

**RESIDENTIAL MORTGAGE FORECLOSURE MANDATORY  
MEDIATION PROGRAM**

Administrative Order #14-5 is hereby amended as follows:

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

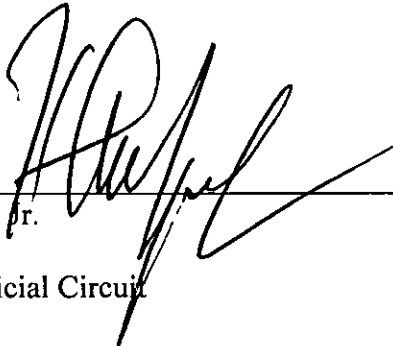
4. SCHEDULING OF PRE-MEDIATION SCREENING CONFERENCE: In all Residential Mortgage Foreclosure cases Plaintiff shall select a date and time for the conference from a list of dates issued by the Circuit Court. The date shall be at least **30** days but not more than 60 days from the issuance of Summons. 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 **30** 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. **In the event a borrower/defendant in a Residential Mortgage Foreclosure case does not receive adequate notice of the Mediation date in the opinion of the presiding judge, then the judge shall have the discretion to return the matter to the Residential Foreclosure Mediation Call without formal motion by the borrower/defendant.**
5. ALIAS SUMMONS: If an alias summon becomes necessary, the Plaintiff shall select a new date for the pre-mediation screening Conference at least **30** 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. **In the event a borrower/defendant in a Residential Mortgage Foreclosure case does not receive adequate notice of the Mediation date in the opinion of the presiding judge, then the judge shall have the discretion to return the matter to the Residential Foreclosure Mediation Call without formal motion by the borrower/defendant.**
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 case 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: 8/26/14

  
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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 Treasurer

Grundy County Treasurer

LaSalle County Bar Association President for distribution to members

Grundy County Bar Association President for distribution to members