

NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(3)(1).

Third Division
October 19, 2011

No. 1-11-1096

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

WELLS FARGO BANK, N.A.,)	Appeal from the
)	Circuit Court of
Plaintiff-Appellee,)	Cook County.
)	
v.)	09 M1 729606
)	
BONNIE GRANT and UNKNOWN)	
OCCUPANTS,)	Honorable
)	William E. Gomolinski,
Defendants-Appellants.)	Judge Presiding.

JUSTICE NEVILLE delivered the judgment of the court.
Presiding Justice Steele and Justice Salone concurred in the judgment.

ORDER

¶ 1 *HELD:* The appellate court lacks jurisdiction to hear appeals from orders granting a party an extension of time to enforce a judgment in a forcible entry and detainer action.

¶ 2 Wells Fargo Bank sued to foreclose a mortgage on Arthurich Grant's property that was pledged as security for a loan. On February 6, 2009, the trial court entered a judgment

approving the judicial sale of the mortgaged property to the bank. No one appealed from the judgment in that case. The bank then brought a forcible entry and detainer action, alleging that Bonnie Grant remained on the property after the sale, without the bank's permission. On December 18, 2009, the trial court entered a judgment in favor of the bank, ordering Bonnie to surrender possession of the property to the bank. Bonnie did not appeal from the judgment. Instead, she moved to stay the eviction. The trial court denied the motion.

¶ 3 The Forcible Entry and Detainer Act (735 ILCS 5/9-101 *et seq.* (West 2008)) provides that a party granted possession must move to enforce the judgment within 180 days of the date of the judgment, unless the trial court extends the time for enforcement. 735 ILCS 5/9-117 (West 2008). In April 2010, the bank moved for such an extension. The trial court granted that motion, and later it granted several further motions to extend the time for enforcement, over Bonnie's objections. On March 17, 2011, the bank again sought an extension. This time Bonnie filed a written objection to the motion, and she supported the objection with documents she sought to use to question the propriety of the judgment entered in the suit to foreclose the mortgage.

¶ 4 On April 8, 2011, the trial court entered an order extending the time for enforcing the judgment entered on the complaint for forcible entry and detainer. On April 13, 2011, Bonnie filed a notice of appeal, naming the April 8, 2011, order as the order appealed.

¶ 5 ANALYSIS

¶ 6 Bonnie, representing herself *pro se*, suggests that Supreme Court Rule 306(a)(2) (Ill. S. Ct. R. 306(a)(2) (eff. Feb. 16, 2011)) confers jurisdiction on this court. That rule pertains

to motions to dismiss or transfer a case under the doctrine of *forum non conveniens*. Neither party has made such a motion in this case, so the rule does not apply. No subsection of Rule 306 permits an appeal from an order granting the bank's motion for an extension of time to enforce the judgment for possession of the property.

¶ 7 The court entered its judgment in favor of the bank in this forcible entry and detainer action on December 18, 2009. That judgment finally determined the rights of the parties in this case. The April 13, 2011, notice of appeal, filed more than a year after the court entered a judgment for possession on December 18, 2009, comes much too late to give this court jurisdiction to review that judgment. See Ill. S. Ct. R. 303(a) (eff. June 4, 2008). While either party may have a right to appeal an order enforcing the judgment (see *Farmer City State Bank v. Henry*, 138 Ill. App. 3d 854, 858 (1985)), the court has not entered such an order here. Neither party cites us any rule or statute that would permit this court to review a non-final order that extends the time for enforcement of a judgment. See *People ex rel. Clark v. Thompson*, 12 Ill. App. 3d 378, 379 (1973) (order disposing of a motion to stay proceedings lacked finality). In this case, because we lack jurisdiction to review the non-final April 8, 2011, order extending the time for enforcement of the judgment, we must dismiss the appeal.

¶ 8 Appeal dismissed.