

No. 2—11—0005  
Order filed March 28, 2011

**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(e)(1).

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IN THE  
APPELLATE COURT OF ILLINOIS  
SECOND DISTRICT

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AB&DT, LLC,	)	Appeal from the Circuit Court
	)	of Du Page County.
Plaintiff-Counter-Defendant-Appellee,	)	
	)	
v.	)	No. 08—MR—1445
	)	
DINA DESAI, M.D., d/b/a K&K HOLDING	)	
TRUST,	)	
	)	
Defendant-Counter-Plaintiff-Appellant	)	
	)	
(Charter One Bank, N.A., defendant; Dhruva	)	Honorable
Tilwalli, M.D. and Ajay Bajaj, M.D., counter-	)	Kenneth L. Popejoy,
defendants).	)	Judge, Presiding.

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JUSTICE ZENOFF delivered the judgment of the court.  
Justices Schostok and Hudson concurred in the judgment.

**ORDER**

*Held:* This court has jurisdiction over the appeal of the December 22, 2010, interlocutory order but not over prior orders that could have been appealed but were not; Dr. Desai has standing to raise the issue of lack of jurisdiction over the LLC; Dr. Desai waived the issue of lack of jurisdiction over the LLC; the trial court properly denied Dr. Desai's motion to declare orders void.

This is an interlocutory appeal under Supreme Court Rule 307(a)(3) (eff. March 20, 2009) brought by defendant-counter-plaintiff, Dr. Dina Desai, from an order entered on December 22, 2010, by the circuit court of Du Page County granting the receiver appointed over certain real estate the power to sell the property at public auction. We affirm.

#### BACKGROUND

We set forth the facts and the procedural history in detail, the reason for which will become apparent in our discussion of Dr. Desai's contention that the trial court lacked jurisdiction to enter orders pertaining to the property because Butterfield was not a party to this litigation. Plaintiff, AB&DT, LLC, is an Illinois limited liability company whose members are Dr. Dhruva Tilwalli, M.D. and Dr. Ajay Bajaj, M.D. Defendant-counter-plaintiff, Dr. Dina Desai, is also a physician. On June 29, 2005, plaintiff and Dr. Desai entered into an operating agreement for Butterfield Plaza, LLC (Butterfield). Plaintiff and Dr. Desai were 50-50 members in Butterfield, and Butterfield was member managed. Butterfield was formed to purchase, lease, and sell real estate and to transact all other lawful business for which limited liability companies may be organized under the laws of the state of Illinois. Butterfield owned property (the property) in Oakbrook, Illinois, that was improved with a one-story office building. Plaintiff's members occupied a medical office on the premises, as did Dr. Desai, although Drs. Tilwalli and Bajaj's practice and Dr. Desai's practice were separate, with separate entrances to the building. On November 28, 2006, the Illinois Secretary of State administratively dissolved Butterfield. Section 11.1(c) of the operating agreement provided that Butterfield would be dissolved upon its administrative dissolution. The doctors continued to occupy the property after Butterfield's dissolution.

On September 12, 2008, plaintiff filed a complaint for declaratory judgment and other relief against Dr. Desai and Charter One Bank (the bank), which held a mortgage on the property. The bank was never served and never appeared. The complaint alleged that plaintiff filed suit to complete the process of winding up Butterfield's affairs, due to Dr. Desai's refusal to cooperate. Count I of the complaint was for declaratory judgment and requested, *inter alia*, that the property be sold. Count II was for declaratory judgment and requested, *inter alia*, that Drs. Tilwalli and Bajaj be allowed to sell the property. Count III sought judicial dissolution of Butterfield as an alternative to the first two counts, and this count also sought, *inter alia*, that Drs. Tilwalli and Bajaj be allowed to sell the property. Count IV was an action for partition of the property that was brought in the alternative to the other counts, and sought a judicially supervised sale of the property after its division. Count V was for an accounting. Specifically, the complaint alleged that plaintiff and Dr. Desai disagreed over Butterfield's operation, and "large portions" of the property were in disrepair and could not be rented. The complaint further alleged that Dr. Desai refused to cooperate in repairing the property, frustrating Butterfield's economic purpose. The complaint also alleged that the members had orally agreed they would each contribute \$10,000 a month toward the mortgage and the upkeep of the property, but Dr. Desai was in default in the amount of \$125,000.

On November 10, 2008, Dr. Desai filed an answer and a counterclaim. Her counterclaim was against plaintiff and alleged mismanagement of Butterfield by plaintiff. Dr. Desai sought the reinstatement of Butterfield, an order reimbursing Butterfield, and an order placing the management of Butterfield in Dr. Desai, as well as an accounting.

On December 3, 2008, plaintiff filed a motion for judicial supervision of the winding up of Butterfield's affairs, and it requested that the parties be directed to develop a monthly budget for

Butterfield's expenses and that the court direct that the expenses be paid. On the same date, plaintiff and Dr. Desai entered into an agreed order to establish a budget and make monthly contributions to Butterfield's operating account to pay expenses related to the property. The order provided that a defaulting party would be subject to a court order enjoining compliance. On May 19, 2009, on plaintiff's motion, the trial court entered an order enjoining Dr. Desai's compliance.

On June 12, 2009, Dr. Desai filed an amended counterclaim against plaintiff and Drs. Tilwalli and Bajaj individually. Dr. Desai alleged, *inter alia*, that dissolution of Butterfield had occurred as a matter of law and pursuant to the operating agreement and further alleged that the property should be sold as part of the winding-up process. Then on June 19, 2009, Dr. Desai filed a motion to place Butterfield's funds in a joint escrow account. She withdrew this motion on July 28, 2009.

On August 11, 2009, the trial court entered a second order enjoining Dr. Desai's compliance with the agreed order of December 3, 2008. On October 2, 2009, Dr. Desai's second set of attorneys filed a motion to withdraw, alleging Dr. Desai's noncooperation and nonpayment of fees.

On October 7, 2009, the trial court, on its own motion, appointed attorney Matthew Caruso "receiver of Butterfield Plaza, LLC." The court set forth Mr. Caruso's duties as follows: (1) collection of \$10,000 monthly from plaintiff and Dr. Desai pursuant to prior court orders; (2) payment of building expenses beginning November 1, 2009, and (3) submission of a recommendation to the court on the disposition of plaintiff's and Dr. Desai's pending cross motions to enjoin compliance. No one objected to the appointment of the receiver.

Also on October 7, 2009, following the court's appointment of the receiver, the attorneys for Dr. Desai were allowed to withdraw. Plaintiff's attorney expressed concern because the attorneys

were the second set of attorneys to withdraw from representing Dr. Desai, saying “every time this happens we \*\*\* seem to have to go back to square one.” The trial court ordered a 14-day status date, but it stated that it would give Dr. Desai 21 or more days to obtain an attorney. On October 21, 2009, Mr. Caruso accepted the appointment as receiver, and the court entered a written order providing that his duties included: (1) recommending the disposition of pending motions concerning compliance with court orders; (2) verifying compliance with orders going forward; (3) paying the ordinary expenses of the “subject company”; (4) managing all Butterfield accounts; (5) recommending a complete accounting between the parties; and (6) recommending a disposition of the property.

On October 21, 2009, Dr. Desai filed an appearance on her own behalf.

The receiver filed fee petitions for the months of October, November, and December, 2009; and January, February, March, April, May, and June, 2010; and monthly thereafter. Dr. Desai did not contest the receiver’s right to the fees or the amount of fees until she objected to the June 2010 fees. Plaintiff did not object to the fees, but alleged that it should not be responsible because Dr. Desai’s lack of cooperation and lack of obedience to court orders necessitated some of the fees. For instance, the receiver brought two motions for a rule to show cause against Dr. Desai.

In the receiver’s first report, filed on November 12, 2009, Mr. Caruso reported to the court that plaintiff did not violate orders regarding use of the Butterfield account, but that Dr. Desai did. “Dr. Desai told [the receiver] she did not care what the order said.” On February 16, 2010, Dr. Desai sent an *ex parte* four-page typewritten letter with multiple attachments to the court. She acknowledged that Mr. Caruso had been “helpful in several regards,” but then complained that he lacked expertise and overlooked his fiduciary duties. Although the court admonished her not to send

*ex parte* letters to the court, Dr. Desai sent another five and one-half page letter with multiple attachments to the judge on April 1, 2010. On April 28, 2010, the receiver reported to the court that Dr. Desai had a capital shortfall of \$110,584.08, and stated she had fallen behind in her monthly \$10,000 contributions. Because Dr. Desai was not cooperating, the receiver requested permission to conduct an auction of the property. Dr. Desai disputed that the receiver prepared an accurate accounting. She alleged that the receiver was in a conspiracy against her. After a lengthy evidentiary hearing, the trial court determined that Dr. Desai had a deficiency of \$110,584 in capital contributions to Butterfield.

On May 26, 2010, the court granted the receiver authority to sell the property by auction “among the current members,” or “he may choose an alternate method of sale to one of the current members that is fair to the parties and to Butterfield.” On June 28, 2010, Dr. Desai obtained legal representation and then filed a motion to reconsider the order finding that she had a deficiency of \$110,584. The court denied the motion to reconsider on October 15, 2010.

On November 29, 2010, Dr. Desai filed a response to the receiver’s petition to sell the property and objected to it on the ground, *inter alia*, that the order appointing the receiver was void for lack of jurisdiction over Butterfield. Accompanying this objection was Dr. Desai’s “Motion to Declare the Court’s Orders Appointing a Receiver Void for Lack of Jurisdiction,” also filed on November 29, 2010. In this motion, Dr. Desai asserted that the October 7 and October 21, 2009, orders appointing the receiver, and every subsequent order based upon that appointment, including all of the orders for fees to the receiver, as well as the order finding she owed \$110,584 in capital contributions, were void because the trial court did not have personal jurisdiction over Butterfield. On December 10, 2010, Mr. Caruso filed an appearance on behalf of Butterfield, which Dr. Desai

moved to strike on the basis that she, as a member of Butterfield, did not authorize Mr. Caruso to act on behalf of Butterfield. On December 10, 2010, plaintiff filed a motion to add Butterfield as a party.

On December 22, 2010, the trial court entered an order denying Dr. Desai's motion to declare the court's orders appointing the receiver void; declining to rule on plaintiff's motion to add Butterfield as a party; and granting the receiver authority to sell the property at public auction in a manner to be agreed upon by the parties or, if no agreement could be obtained, then as ordered by the court.

The next day, December 23, 2010, Dr. Desai filed a notice of interlocutory appeal pursuant to Rule 307(a)(3), which allows for appeals from interlocutory orders "giving or refusing to give other or further powers or property to a receiver or sequestrator already appointed." In her notice of appeal, Dr. Desai appealed the December 22, 2010, order and purported to appeal the orders of October 7 and October 21, 2009.

#### ANALYSIS

Plaintiff filed a motion to dismiss the appeal for lack of appellate jurisdiction, which we ordered taken with the case. We address the motion and Dr. Desai's response now. The parties raise identical arguments in their briefs. Because our analysis of the jurisdiction issue disposes both of the motion and the arguments raised in the briefs, we need not engage in two separate analyses.

Plaintiff first argues that Dr. Desai's "entire" appeal is based upon the invalidity of the October 2009 orders appointing the receiver, and because those orders were not appealed within 30 days of their entry, this court lacks jurisdiction over the entire appeal. Alternatively, plaintiff contends that the December 22, 2010, order did not grant the receiver "further" powers, and,

therefore, the order is not appealable under Rule 307(a)(3). Thirdly, plaintiff asserts that even if the December 22, 2010, order granted an expansion of the receiver's power, it was Dr. Desai who requested that expansion, and she cannot be heard to complain now.

We reject plaintiff's first contention, that this entire appeal is from the 2009 orders, because the first paragraph of Dr. Desai's brief at page one of her argument asserts the voidness of the December 22, 2010, order from which she appealed. We also reject plaintiff's third argument, that Dr. Desai is estopped from arguing the voidness of the December 22, 2010, order because she requested the relief, on the ground that plaintiff cites no authority for this argument and has thus forfeited it. Both argument and citation to authority are required in order to comply with Supreme Court Rule 341(h)(7) (eff. Sept. 1, 2006). *Vancura v. Katris*, 238 Ill. 2d 352, 370 (2010). That leaves us to consider plaintiff's second argument, that the December 22, 2010, order is not appealable because it did not expand the receiver's powers, and plaintiff's related contention that the October 2009 orders are not reachable in this appeal.

Plaintiff argues that the December 22, 2010, order was not an expansion of the receiver's powers because it gave him no further powers than those granted in the October 21, 2009, order appointing him. The record does not bear out this assertion. The October 21, 2009, order empowered the receiver to recommend a disposition of the property to the court; the order did not give the receiver power to sell the property. Moreover, plaintiff ignores the plain language of Rule 307(a)(3) insofar as it allows appeals from orders that give "other" powers to a receiver. The power to sell the property at public auction is something other than the power to recommend a disposition of the property, or even to sell it privately to a member. Consequently, we find that plaintiff's argument has no merit. In this vein, plaintiff also argues that any further powers the December 22,

2010, order might grant are irrelevant to the issues raised in the appeal. We disagree because, as we pointed out, Dr. Desai raises the invalidity of the December 22 order in her argument. While we understand that Dr. Desai is using the appeal from the December 22, 2010, order as a vehicle to try to obtain review of the earlier orders from which she could have appealed and did not, nevertheless, we have jurisdiction over the December 22, 2010, order. The remaining issue is whether we also have jurisdiction over the October 7 and 21, 2009, orders referenced in her notice of appeal.

The general rule is that Rule 307 allows only the review of the order from which a party takes an appeal, and such an appeal does not open the door to a general review of all orders entered by the trial court up to the date of the order that is appealed. *Kalbfleisch ex rel. Kalbfleisch v. Columbia Community Unit School District No. 4*, 396 Ill. App. 3d 1105, 1114 (2009). This rule was applied to an interlocutory appeal taken pursuant to Supreme Court Rule 307(a)(2) (eff. March 20, 2009), which allows appeals from orders appointing or refusing to appoint receivers, in *Kandalepas v. Economou*, 269 Ill. App. 3d 245 (1994). “While it is true that, under Supreme Court Rule 307(a)(2), an order appointing a receiver is appealable as a matter of right [citation], a notice of appeal challenging the appointment of a receiver filed more than 30 days after the appointment is ineffective to confer jurisdiction on the reviewing court.” *Kandalepas*, 269 Ill. App. 3d at 249.

Dr. Desai asserts that the proper scope of review under Rule 307 is to review any prior error that bears directly upon the question of whether the order on appeal was proper. *Sarah Bush Lincoln Health Center v. Berlin*, 268 Ill. App. 3d 184, 187 (1994). She also relies on *In re Lawrence M.*, 172 Ill. 2d 523 (1996), and *In re Summerville*, 190 Ill. App. 3d 1072 (1989). In *Berlin*, a decision from the Fourth District, the defendant appealed from the grant of a preliminary injunction and also sought review of a prior order denying his motion for substitution of judge. *Berlin*, 268 Ill. App. 3d at 185-

86. The court held that the order denying the motion for substitution of judge was cognizable in the interlocutory appeal because the defendant had no recourse or opportunity to have that order reviewed except in his appeal from the grant of the injunction. *Berlin*, 268 Ill. App. 3d at 186-87. In *Lawrence M.*, our supreme court said that in an interlocutory appeal, the scope of review is normally limited to an examination of whether or not the trial court abused its discretion in granting or refusing the requested interlocutory relief, but that *to the extent necessary* a reviewing court may consider substantive issues in order to determine whether the trial court acted within its authority. *Lawrence M.*, 172 Ill. 2d at 526. In *Summerville*, the trial court entered a protective order in a child custody case and subsequently denied the Public Guardian's motion to lift it. *Summerville*, 190 Ill. App. 3d at 1074-75. The Public Guardian timely appealed from the order refusing to lift the protective order and also sought to appeal the protective order itself, which the Public Guardian contended was unconstitutional and void, but from which he had not appealed in a timely fashion. *Summerville*, 190 Ill. App. 3d at 1075-76. The appellate court held that it was not prohibited from reviewing the protective order, but in fact had to review it, because the order appealed from depended on the constitutionality of the protective order. *Summerville*, 190 Ill. App. 3d at 1076.

Dr. Desai fails to acknowledge that this court outright rejected the Fourth District's approach in *Berlin* in *In re Marriage of Nettleton*, 348 Ill. App. 3d 961, 970-71 (2004). We said that it would render meaningless all other rules requiring a final order by allowing a party to circumvent a trial court's refusal to include Supreme Court Rule 304(a) language in its order or its refusal to certify the issue for appellate review. *Nettleton*, 348 Ill. App. 3d at 971. Even if we had not outright rejected *Berlin*, it is distinguishable. Unlike the defendant in *Berlin*, who could not have appealed

the order denying his motion for substitution of judge, Dr. Desai could have obtained review of the orders appointing the receiver.

*Summerville* and *Lawrence M.* are likewise distinguishable. In *Summerville*, the court held that the order appealed from depended on the constitutionality of the protective order and was reviewable on that basis. While Dr. Desai argues that the order of December 22, 2010, granting the receiver the power to sell the property at auction depends on the validity of the orders appointing the receiver, it does not. We can determine the issue of the validity of the December 22, 2010, order without reference to the October 2009 orders, as Dr. Desai demonstrates in her opening brief when she argues that the December 22, 2010, order is itself void. Our supreme court in *Lawrence M.* said that the court may consider substantive issues to the extent necessary. Here, it is not necessary to review the October 2009 orders, and we decline to do so. Accordingly, we deny the motion to dismiss this appeal, but we will limit our review to the December 22, 2010, order.

Dr. Desai contends that the December 22, 2010, order is void because the trial court lacked personal jurisdiction over Butterfield and because Butterfield was a necessary party. If jurisdiction is lacking, any subsequent judgment of the court is rendered void. *LaSalle National Trust, N.A. v. Lamet*, 328 Ill. App. 3d 729, 731 (2002). Whether a judgment is void is a question of law the appellate court reviews *de novo*. *People v. Rodriguez*, 355 Ill. App. 3d 290, 293-94 (2005).

Dr. Desai contends that the December 22, 2010, order is void because Butterfield was a necessary party that had never been joined or served and the court was without jurisdiction to enter orders affecting or binding Butterfield. Dr. Desai argues that the trial court lacked personal jurisdiction over Butterfield because Butterfield was never served with process, did not waive service of process, and did not file a general appearance. Plaintiff contends that Dr. Desai lacks standing

to make the jurisdiction argument; the ownership and management of Butterfield were personal property of the members who were before the court; Dr. Desai waived her position by participating in the litigation; Butterfield is not a necessary party; even if Butterfield is a necessary party, the doctrine of representation applies as an exception; and finally, plaintiff argues that the trial court's order is not void as to the parties who were present even if Butterfield is a necessary party.

We first consider Dr. Desai's standing to assert lack of jurisdiction. In her reply brief, she asserts that she is not attempting to object to personal jurisdiction on Butterfield's behalf, but is drawing attention to the fact that not all necessary parties were before the court, which she has standing to raise. This is in contrast to page one of her opening brief where she stated: "[Butterfield] has not been named as a party to this action, has not been served with process, and has not otherwise submitted to the jurisdiction of the circuit court. Thus, the circuit court's order of December 22, 2010—authorizing the sale of [Butterfield's] property—is void." Dr. Desai clearly raises the issue of lack of personal jurisdiction on Butterfield's behalf. Pursuant to section 13—5(a)(1) of the Limited Liability Company Act (805 ILCS 180/13—5(a)(1) (West 2008), each member is an agent of the limited liability company for the purpose of its business. Both members here sought judicial assistance in the business of winding up Butterfield; therefore, we hold that Dr. Desai had standing to raise the issue of lack of personal jurisdiction over Butterfield.

Having found that Dr. Desai had standing, we also hold that she had the ability, as Butterfield's agent, to waive the issue on behalf of Butterfield. Certainly, with both members of Butterfield in front of the court, and with both submitting the issues of Butterfield's winding up and sale of the property to the court, waiver occurred. "If a party participates in the proceeding on its merits, even after a special appearance has been filed, that party waives the special appearance and

jurisdictional challenge when he takes such affirmative action dealing with substantive issues thereby amounting to a general appearance and submitting himself to the jurisdiction of the court.” *In re Possession and Control of the Commissioner of Banks and Real Estate of Independent Trust Corp.*, 327 Ill. App. 3d 441, 464 (2001).

Here, Dr. Desai waived the issue of lack of personal jurisdiction over Butterfield when she participated in the litigation for nearly two years without raising the issue until after the trial court had entered dispositive orders against her. Dr. Desai filed a counterclaim and an amended counterclaim. She could have joined Butterfield, but she did not. At the point she decided the court’s orders were void because the court lacked jurisdiction over Butterfield, she could have asked leave to further amend her counterclaim to add Butterfield, and she did not. We also find waiver where she failed to object to the receiver’s appointment on either occasion in October 2009, failed to appeal either order, and failed to object to months of fees paid to the receiver.

We turn next to Dr. Desai’s argument that Butterfield was a necessary party. She did not raise this issue in the trial court until she filed her reply memorandum on her motion to declare the orders appointing the receiver void for lack of personal jurisdiction over Butterfield, almost two years after the litigation commenced. By that time, the trial court had entered numerous orders relating to the property, and the receiver—with Dr. Desai’s acquiescence—had been paid thousands of dollars in fees. Dr. Desai now seeks to unravel the whole sweater after it was knitted. A necessary party is one whose presence is required to (1) protect an interest that the absentee has in the subject matter of the controversy that would be materially affected by a judgment entered in his or her absence; (2) reach a decision that will protect the interests of those who are before the court;

or (3) enable the court to make a complete determination of the controversy. *Killion v. Meeks*, 333 Ill. App. 3d 1188, 1193-94 (2002).

The trial court found that Butterfield was not a necessary party because both members were before the court, and both had placed the issues of Butterfield's winding-up and the disposition of the property, Butterfield's sole asset, before the court. In her amended counterclaim, Dr. Desai in counts I and II, which were for declaratory judgment and judicial dissolution, prayed for the following relief: (1) that Butterfield be dissolved; (2) that the sole asset of Butterfield be sold, either to one of the members or at public auction; (3) that the mortgage be satisfied from any proceeds of the sale; (4) that any remaining proceeds be appropriately disbursed between the members; and (5) for any other relief the court deemed equitable and just. In addition, Dr. Desai added Drs. Tilwalli and Bajaj, plaintiff's members, individually to the suit.

Dr. Desai has not furnished us with any authority that holds that a member-managed LLC is a necessary party where all the members are before the court and are seeking the same relief, that is, judicial dissolution of a previously administratively dissolved LLC and a sale of its only asset. Our research has similarly not produced any authorities for this proposition. Dr. Desai relies on *National Bank of Albany Park in Chicago v. S.N.H., Inc.*, 32 Ill. App. 3d 110 (1975), which held that an absent corporation was a necessary party in order to determine whether it validly assigned its lease rights to another party. *National*, 32 Ill. App. 3d at 121. "These proceedings sought to directly adjudicate the rights of [the corporation] as lessee and as a separate corporate entity." *National*, 32 Ill. App. 3d at 121. The differences between *National* and the present case are too significant for it to be applicable here. Most important, an LLC is not a corporation, and the members of a member-managed LLC are not the same as shareholders in a corporation because of the degree of control they

wield over the LLC—total. It was this degree of control that got Butterfield into its sorry state. Plaintiff and Dr. Desai were at loggerheads over everything having to do with Butterfield. In a corporation, the shareholders do not manage the corporation's day-to-day affairs; there is a board of directors to manage the corporation. Another significant difference between *National* and the present case is that the subject of the instant controversy, the property, was in the hands of the court because the parties placed it there with their pleadings. Here, a final adjudication on the merits can be made without the addition of Butterfield as a party.

Dr. Desai emphasizes that an LLC is a separate entity capable of being sued, even in its dissolved state. In our view, all this means is that Butterfield could have been joined in the suit, not that it had to be. Furthermore, she overlooks the fact that she, as Butterfield's agent, effectively submitted Butterfield to the court's jurisdiction.

Moreover, where the objection that a necessary party is absent is not made until after judgment, the objection should be rejected unless prejudice clearly appears. *In re Estate of Thorp*, 282 Ill. App. 3d 612, 618-19 (1996). Here, final judgment had not been rendered when Dr. Desai filed her reply memorandum on her motion to declare orders void, but the trial court had entered almost two years of substantive orders. Dr. Desai has not shown any prejudice resulting from Butterfield's absence. Indeed, she affirmatively misled the court by her pleadings and in her acceptance of the benefits the receiver conferred. Her motion to declare orders void was gamesmanship. Nor can it be ignored that Dr. Desai counterclaimed for the very relief the trial court granted in its December 22, 2010, order, that is, that the property be sold at public auction. Accordingly, the trial court properly denied the motion to declare orders void.

For the foregoing reasons, the judgment of the circuit court of Du Page County is affirmed.

No. 2—11—0005

Affirmed.