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2016 IL App (3d) 150713-U

Order filed January 11, 2016

IN THE
APPELLATE COURT OF ILLINOIS
THIRD DISTRICT

A.D., 2016

FIRST MIDWEST BANK,)	Appeal from the Circuit Court
)	of the 12th Judicial Circuit,
Plaintiff-Appellee,)	Will County, Illinois,
)	
v.)	
)	
)	
RBK HOMES, INC., ROBERT H. HUDGENS,)	
)	Appeal No. 3-15-0713
Defendants-Appellants,)	Circuit No. 15-CH-1332
)	
and)	
)	
DEEPA LEEKHA, DEEPTI CHAUHAN,)	
and UNKNOWN TENANTS, UNKNOWN)	
OWNERS, and NON-RECORD CLAIMANTS,)	Honorable
)	Daniel Rippy,
Defendants.)	Judge, Presiding.

JUSTICE HOLDRIDGE delivered the judgment of the court.
Presiding Justice O'Brien and Justice Schmidt concurred in the judgment.

ORDER

¶ 1

Held: The trial court had jurisdiction to order the appointment of a receiver.

¶ 2 The defendants-appellants; RBK Homes, Inc., and Robert Hudgens; appeal from the trial court's denial of a motion to vacate a previous order appointing a receiver for the plaintiff, First Midwest Bank. We affirm.

¶ 3 FACTS

¶ 4 The plaintiff loaned a sum of money to the appellants¹ pursuant to a promissory note, secured by a mortgage against real property. On June 10, 2015, citing amounts due and owing, the plaintiff filed a complaint for commercial foreclosure upon the mortgage. That same day, a 30-day summons was issued by the circuit clerk. The complaint and summons were served upon the appellants on June 18, 2015.

¶ 5 Also on June 18, 2015, the plaintiff filed a motion to appoint receiver. The appellants were served with notice of the motion. Neither the appellants nor any party on their behalves appeared at the June 29 hearing on the motion. The court granted the motion and entered an order appointing a receiver. The appellants were served via U.S. mail with the order.

¶ 6 On July 28, 2015, counsel on behalf of the appellants filed an appearance and a motion to vacate the order appointing a receiver. In the motion, the appellants argued that the timing of the plaintiff's motion to appoint a receiver deprived them of the opportunity to procure counsel or otherwise present meritorious defenses. The trial court denied the motion.

¶ 7 ANALYSIS

¶ 8 On appeal, the appellants argue that the trial court may not, or should not be allowed to, act between the time of service and the date specified in the summons. In arguing that the

¹Because not all of the named defendants appeal from the trial court, those defendants who have brought the appeal—RBK Homes, Inc. and Robert Hudgens—will be referred to throughout this order simply as "the appellants."

"notion of fair play" requires a trial court to abstain from taking any action until the expiration of 30 days from the time of service, the appellants obliquely reference the notions of personal jurisdiction, subject matter jurisdiction, and due process. Although the appellants essentially concede that the trial court here was fully vested with jurisdiction, they argue that the result is unjust, and that the principles of personal and subject matter jurisdiction should be reinterpreted to avoid such a result.

¶ 9 It is well-settled that personal jurisdiction is conferred upon a defendant by the effective service of summons. *E.g., In re M.W.*, 232 Ill. 2d 408, 426 (2009); see also *Mississippi Publishing Corp. v. Murphree*, 326 U.S. 438, 444-45 (1946). Further, the Illinois circuit courts' subject matter jurisdiction is conferred entirely by the state constitution. *Belleville Toyota, Inc. v. Toyota Motor Sales, U.S.A., Inc.*, 199 Ill. 2d 325, 334 (2002). In arguing that jurisdiction be tied to the time requirements of a summons, the appellants thus request that this court either: (1) redefine the way personal jurisdiction has been understood for more than half a century, or (2) create an exception to the circuit court's constitutionally conferred subject matter jurisdiction. We decline to take either of these steps.

¶ 10 Moreover, we note that the appellants have failed to cite any authority in support of the positions taken on appeal. Although the appellants assert "there's ambiguity at best, whether or not the court may act during that vacuum of time between service of summons [and] the date by which a party must act," they do not point to any rules, statutes, or cases which ostensibly create that ambiguity. The portions of their brief dedicated to subject matter jurisdiction and due process span a total of two full pages, and likewise fail to cite any authority which, either directly or by analogy, would support relief being granted in the present case.

¶ 11 Illinois Supreme Court Rule 341(h)(7) provides, *inter alia*, that an appellant's brief shall contain "[a]rgument, which shall contain the contentions of the appellant and the reasons therefor, with citation of the authorities and the pages of the record relied on." Ill. S. Ct. R. 341(h)(7) (eff. Feb. 6, 2013). This rule has led to the oft-repeated axiom that "the appellate court is not a repository into which an appellant may foist the burden of argument and research." *E.g.*, *Ramos v. Kewanee Hospital*, 2013 IL App (3d) 120001, ¶ 37; see also *Obert v. Saville*, 253 Ill. App. 3d 677, 682 (1993) ("A reviewing court is entitled to have issues clearly defined with pertinent authority cited and cohesive arguments presented[.]"). In the present case, the appellants have merely suggested that the law be changed, then hoped that this court could conjure up a compelling argument in their favor. We reject the appellants' arguments on the merits; the appellants have offered no compelling reason to do otherwise.

¶ 12 CONCLUSION

¶ 13 The judgment of the circuit court of Will County is affirmed.

¶ 14 Affirmed.