

**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

FIRST DISTRICT

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<i>In re</i> Estate of LOUISE K. HAHN,	)	Appeal from the Circuit Court
ELOISE K. HAHN, Administrator,	)	Of Cook County.
	)	
Plaintiff-Appellant,	)	
	)	No. 2003 P 008184
v.	)	
	)	The Honorable
BANK OF AMERICA/MERRILL	)	Joseph Fleming,
LYNCH,	)	Judge Presiding.
	)	
Defendants-Appellees.	)	

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PRESIDING JUSTICE NEVILLE delivered the judgment of the court.  
Justices Pucinski and Mason concurred in the judgment.

**ORDER**

¶ 1 *Held:* Where the complaint lists several persons as defendants, and the circuit court enters an order granting two defendants' motion to dismiss the complaint but does not mention the other persons listed as defendants and makes no Rule 304(a) special finding of appealability, the appellate court lacks jurisdiction to consider the appeal.

¶ 2 Eloise Hahn, as administrator of the estate of Louise Hahn, filed a complaint in the probate court, naming several persons and a bank as defendants. The bank appeared and moved to dismiss the complaint. Several other defendants filed no appearance. The circuit

court granted the bank's motion to dismiss, and Eloise appealed. Because we find no final disposition of the claims against several persons who have filed no appearance, and no language making the disposition as to the bank immediately appealable, we lack jurisdiction to consider the appeal.

¶ 3

### BACKGROUND

¶ 4

Louise died on October 5, 2003. The probate court appointed Eloise to act as independent administrator of Louise's estate. In July 2016, Eloise, acting pro se, filed in the probate court a document labeled as part of the case, "In the Estate of Louise K. Hahn." She used the probate court case number to identify the case. She titled the document, "Summons in a Criminal Case." She alleged that the estate lost funds "due to the MYSTERIOUS GRAND THEFTS" (emphasis in original), and she said she "summoned and required [the defendants] to serve upon [Eloise] an answer to the complaint."

¶ 5

She attached to the document labeled as a summons a document labeled as a complaint. The attached document bore the case number for the probate court case, but it bore the heading, "Eloise K. Hahn, Administrator vs. Bank of America Successor In Trust to LaSalle Bank." She titled the document, "Theft Complaint Fraud Third Party Transfers At Bank Of America Successor In Trust To Lasalle Bank." She alleged that "two fraud third parties \*\*\* alleged they were beneficiaries to the irrevocable trust of [her] late mother, Louise K. Hahn, dated February 6, 2003, and apparently transferred no less than \$731,000 to their individual names in years 2006 through 2008." She included a service list, certifying that she mailed

No. 1-17-0432

the complaint to several persons with no obvious relation to the complaint and its allegations,  
and to:

"Bank of America

135 S. LaSalle Street

Suite 1854

Attn: Priscilla Rodriguez

Chicago, IL 60603

Steven Peck

300 Saunders Road

Suite 100

Riverwoods, IL 60015

Hank Marino

53 W. Jackson Blvd.

Suite 1557

Chicago, IL 60604

\*\*\*

Bank of America/Merrill Lynch

Attn: Katherine Stinson

100 Federal Street

Boston, MA 02110."

¶ 6 In September 2016, Eloise filed with the probate court another document bearing the same case number, and a new legend:

"IN THE ESTATE OF LOUISE K. HAHN DECEASED, 10/05/03

Eloise K. Hahn, Administrator

Eloise K. Hahn, Trustee

Eloise K. Hahn Living Trust dtd 5/12/04 Dissolved

vs

Bank of America/Merrill Lynch

Estate Account No. 26-9156-40-2

Stifel Nicolaus

Living Trust Account No. 3134-8898

529 Account No. 5385-2948 Dissolved

Herman Marino, Esquire

Steven Peck, Esquire."

¶ 7 She titled the document, "Petition – Theft Complaint Bank Of America Successor In Trust To Lasalle Bank Stifel, Chicago, IL." The petition includes allegations of theft, mostly attributed to Thomas Minor and William Parsons, but also naming Marino, Stifel and Bank of America as responsible parties.

¶ 8 Bank of America and Merrill Lynch, Pierce, Fenner & Smith, Inc., filed a motion to quash service of process and to dismiss the complaint, alleging that the summons did not

comply with supreme court rules. Eloise filed a document she titled "Motion To Strike Motion To Quash Complaint Motion for Hearing." The document includes allegations about the bank's failure to "disclose a missing equity amount for \$1,682,000." She did not respond to assertions about service of process. The circuit court continued the motion to quash to give Eloise time to retain counsel.

¶ 9 On January 26, 2017, when Eloise again came to court without counsel, the circuit court entered an order granting the motion of Bank of America and Merrill Lynch to quash service and dismiss the complaint, but the court expressly gave Eloise leave to reinstate the complaint within 30 days. The court's order made no mention of Marino, Stifel, or Peck. The court's order did not include a finding or enforceability or appealability.

¶ 10 On February 6, 2017, Eloise filed a document she titled, "Notice Of Appeal Motion To Vacate Probate Court Order Of January 26, 2017." The document includes new allegations of nefarious acts, but no response to the claim that she failed to serve process on Bank of America and Merrill Lynch properly. The circuit court chose to treat the document as a motion to vacate the prior order. The circuit court entered an order dated February 16, 2017, stating "plaintiff's Motion to Vacate is Denied for the reasons stated \*\*\* in detail on the record."

¶ 11 On April 5, 2017, Eloise filed a document she titled, "Motion For Change Of Venue Motion For Hearing To Enter Stipulation Of Agreement." She asked the circuit court to transfer the case to "the County's civil or criminal division." The court entered an order dated May 2, 2017, in which it denied the motion to transfer and "admonishe[d] plaintiff that

if the court finds plaintiff files any frivolous filings in the future that are without merit, the court may impose sanctions."

¶ 12 Eloise filed in the appellate court a document labeled, "Notice of Appeal," listing the orders of May 2, 2017, and January 26, 2017, as the orders appealed. Her brief includes no statement of jurisdiction and no citation to cases, statutes, rules, or constitutional provisions. The record on appeal does not include any transcripts or bystander's reports for circuit court proceedings.

¶ 13 ANALYSIS

¶ 14 Bank of America contends that Supreme Court Rule 303 (eff. July 1, 2017) gives this court jurisdiction to consider the appeal. But the document titled "Petition – Theft Complaint" appears to list as defendants Marino, Peck, and Stifel. We find no resolution of the apparent claims against those persons, and no language making the final disposition of the claims against Bank of America and Merrill Lynch immediately appealable. Accordingly, we must dismiss the appeal for lack of jurisdiction. See Ill. S. Ct. R. 304(a) (eff. March 8, 2016); *Marble Emporium, Inc. v. Vuksanovic*, 339 Ill. App. 3d 84, 90 (2003). To aid the court and the parties for any future proceedings, we direct their attention to *Ratcliffe v. Apantaku*, 318 Ill. App. 3d 621, 627 (2000), and the holding that "Ratcliffe cannot represent the legal interests of Decedent's estate in a pro se capacity because she is not an attorney licensed to practice law."

¶ 15 Appeal dismissed.