



Supreme Court of Illinois

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MORTGAGE FORECLOSURE COMMITTEE SEEKING COMMENT ON PROPOSALS TO IMPROVE FORECLOSURE PROCEEDINGS

The Illinois Supreme Court Mortgage Foreclosure Committee is seeking comment on proposed recommendations and modifications to current practices and procedures of mortgage foreclosure proceedings in Illinois. The proposal will be aired at a public hearing on Friday, April 27 in Chicago.

Anyone wishing to testify at the public hearing should advise the Committee in writing no later than Friday, April 13. Those wishing to offer written comments should submit them by Friday, April 13.

The Supreme Court established the Mortgage Foreclosure Committee in April 2011 and charged it with the task of investigating the procedures currently used throughout Illinois in mortgage foreclosure proceedings; studying relevant Supreme Court Rules and local rules that directly or indirectly affect such proceedings; analyzing the procedures adopted in other states in response to the unprecedented number of foreclosure filings nationwide; reviewing legislative proposals pending in the Illinois General Assembly that may impact the present statutory scheme for mortgage foreclosures; and ultimately recommending to the Supreme Court mortgage foreclosure rules for statewide implementation, all with a view toward ensuring fair and efficient foreclosure proceedings.

The Mortgage Foreclosure Committee has established a Practice and Procedures subcommittee which had drafted a nine-point proposal for comment at the public hearing.

Highlights of the proposal include recommendations to the Supreme Court to adopt rules establishing a model foreclosure prove up affidavit and whether plaintiffs should be required to attach a payment history to such an affidavit; requiring court clerks to send a notice to all defaulted borrowers with notification of the defaulted borrower's rights, including the right to file a motion to vacate the order as soon as possible and referral to local resources for legal assistance in preparing a motion to vacate; and requiring plaintiff's attorney to send special notification to mortgagors advising them of any surplus funds over the amount owed to lien holders and enclosing a simple form to file with the court clerk to claim the surplus.

Under the proposal, any person claiming a surplus would be required to appear in court for examination under oath and identified on the record as being the same person as the one authorized to claim the surplus.

MORE

**Committee Public Hearing
Add One**

Those wishing to testify in person at the hearing and those wishing to submit written comments on any of the proposals should direct correspondence in writing to:

Supreme Court Mortgage Foreclosure Committee
c/o Administrative Office of the Illinois Courts
3101 Old Jacksonville Road
Springfield, Illinois 62704

The hearing will be held April 27, beginning at 9:30 a.m. in Room C-500 of the Michael A. Bilandic Building at 160 N. LaSalle Street in Chicago.

The proposal is available on the Supreme Court website at:

http://www.state.il.us/court/SupremeCourt/Public_Hearings/Mortgage_Foreclosure/Practice_Procedures

The Committee consists of 14 persons who have been on the front lines in dealing with the housing crisis, how it affects home-owning families and well as the lenders. They are judges, bankers, lawyers, a law professor and an official from the Illinois Attorney General's office.

Justice Mary Jane Theis is the Supreme Court liaison to the Mortgage Foreclosure Committee, and Cook County Circuit Judge Lewis M. Nixon is chair of the Mortgage Foreclosure Committee. Judge Nixon serves as supervising judge of the Mortgage Foreclosure section of the Cook County Circuit Court.

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(FOR MORE INFORMATION, CONTACT: Joseph Tybor, director of communications to the Illinois Supreme Court, at 312.793.2323)