

No. 1-14-0445

**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 JUDICIAL DISTRICT

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KEVIN JORDAN AND TYRONE JORDAN,	)	Appeal from the
	)	Circuit Court of
Plaintiff-Appellee,	)	Cook County
	)	
v.	)	No. 03 CH 18768
	)	
FLOYD JORDAN, JR.,	)	Honorable
	)	David B. Atkins,
Defendant-Appellant.	)	Judge Presiding.

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JUSTICE MASON delivered the judgment of the court.  
Presiding Justice Hyman and Justice Pucinski concurred in the judgment.

**ORDER**

¶ 1 *Held:* Order directing that parties' deceased mother's vacant apartment be rented was not injunctive in nature and, therefore, court lacked jurisdiction to review it.

¶ 2 Defendant-appellant, Floyd Jordan, Jr., appeals from an order entered by the circuit court of Cook County allowing his deceased mother's apartment to be rented, directing that Floyd remove any items from the apartment he desired to keep, and preventing him from storing items in the basement of the apartment building without court approval. Floyd characterizes this order as granting injunctive relief and argues that because the prerequisites to injunctive relief were not established and the procedures for granting an injunction were not followed, the order must be

reversed. We disagree and dismiss this appeal because the order is not an injunction and, as a result, is not appealable.

¶ 3 BACKGROUND

¶ 4 Like so many families who inherit property from their parents, the Jordan siblings have become mired in litigation. This litigation dates back to 2003. Although there are a number of claims and counterclaims involved, we summarize only so much of the facts as are necessary to resolve the issue raised in this appeal.

¶ 5 Floyd is the son of Ethel Jordan and along with his siblings, Kevin, Keith, Tyrone and Gloria (now deceased), is the beneficiary and a co-trustee of the Ethel Neal Jordan Trust. Among other assets, the trust holds title to certain property located at 8037 S. Champlain in Chicago. The property is a three-unit apartment building. Ethel Jordan lived in a first-floor apartment in this building prior to her death in 2002.

¶ 6 The dispute among the siblings regarding this apartment was first considered by the court in 2008. In March 2008, Kevin and Tyrone sought permission from the trial court to rent their mother's vacant apartment. Finding that the terms of the trust granted a life estate in the apartment to Gloria even though she was not then living there, the court denied the motion, but directed that Floyd and his brother, Keith, shall "have nothing to do with the management of the properties in the trust until further order."

¶ 7 Gloria died in 2010. On August 8, 2012, Kevin and Tyrone renewed their motion to rent the apartment. In response to this motion, Floyd argued that because the prior 2008 request to rent the apartment had been denied and an earlier renewed motion seeking similar relief had also been denied, the court should deny the motion. Floyd's response also accused his brothers of other wrongdoing in connection with management of the trust's assets, including allowing non-

bonded workers to enter his mother's apartment resulting in the loss of valuables he claimed were kept there.

¶ 8 On November 12, 2013, the trial court granted the motion to rent the apartment. As part of its order, the court directed that Floyd and Keith could remove from the apartment any valuables they desired to keep and had until January 10, 2014 to do so. The order further granted permission to Kevin and Tyrone to clean, repair and rent the apartment after January 10. In connection with any repair work on the apartment, the order provided that Kevin and Tyrone were required to obtain three bids for any work in excess of \$2,500 and present the bids to the court and the other parties for court approval prior to the commencement of the work.

¶ 9 On January 8, 2014, Floyd (not joined by Keith) filed a motion for reconsideration of the November 12 order claiming that the effect of the November 12 order was to remove Floyd as a trustee of the Ethel Jordan Trust and that the order, for this reason, was effectively an injunction. The motion for reconsideration was denied on January 17, 2014, and on February 6, 2014, Floyd filed his notice of interlocutory appeal.

¶ 10 ANALYSIS

¶ 11 Although Floyd's notice of interlocutory appeal designated both the November 12 and January 17 orders as subjects of his appeal, his brief advances arguments regarding only the provisions of the November 12 order and so we confine our analysis to that order. The threshold issue presented by this appeal is whether the November 12 order constituted an injunction and is thus reviewable under Illinois Supreme Court Rule 307(a)(1). Ill. Sup. Ct. R. 307(a)(1) (eff. Feb. 26, 2010). We conclude that the November 12 order was not an injunction and, therefore, it is not appealable.

¶ 12 To determine whether the November 12 order is an injunction, we look to its substance and not its form. *In re A Minor*, 127 Ill. 2d 247, 260 (1989). "Not every nonfinal order of a court is appealable, even if it compels a party to do or not do a particular thing. Orders of the circuit court which can be properly characterized as 'ministerial,' or 'administrative'—because they regulate only the procedural details of litigation before the court—cannot be the subject of an interlocutory appeal." *Id.* at 261-62. The character of an order must be determined in the context of the facts and relief sought in each case. *In re Marriage of Meyer*, 197 Ill. App. 3d 975, 978 (1990).

¶ 13 There are no indications in the record that the order relating to the rental of the apartment was in the nature of an injunction. There was certainly no emergency accompanying the entry of the order as is typical of orders granting injunctions. The apartment had been vacant since 2002 and the life tenant had died two years prior to the entry of the order. The order did not purport to adjudicate any substantive issues pending between the parties, but was entered for the purpose of allowing a trust asset to generate income. The sole focus of Floyd's arguments on appeal are the order's provisions requiring he and Keith to remove property from the apartment by January 10, 2014, and preventing storage of any items in the basement of the property until the basement is repaired and unless the court approves the storage. Nothing in these provisions regulates the parties' conduct in their everyday activities outside the litigation. Certainly, nothing in the November 12 order effectively removes Floyd as a co-trustee, a position he continues to hold.

¶ 14 The November 12 order is no more an injunction than the order entered in 2008 that prevented the rental of the apartment and directed that Floyd have no further involvement in the management of the properties in which the trust held an interest. As far as the record reveals,

Floyd never sought to appeal from the order divesting him of the ability to manage these properties.

¶ 15 It can be said that virtually every order entered by a court compels or prohibits a party from doing something. But that does not make every order an injunction. The November 12 order was necessary and appropriate in the administration of the litigation and, therefore, is not among the categories of orders that may be the subject of an interlocutory appeal.

¶ 16 **CONCLUSION**

¶ 17 Because November 12 order was, on its face, ministerial and administrative and because there are no other indicators that the order is something other than it appears to be, it is an interlocutory order that cannot be appealed. Consequently, because we lack jurisdiction over this appeal, it is dismissed.

¶ 18 Appeal dismissed.